

OBSERVATIONS
IN
DEFENCE OF A BILL
LATELY BROUGHT INTO PARLIAMENT,
FOR ERECTING THE
CORPORATION OF SURGEONS OF LONDON
INTO A COLLEGE;

AND
FOR GRANTING AND CONFIRMING TO SUCH COLLEGE
CERTAIN RIGHTS AND PRIVILEGES:
INCLUDING A SKETCH OF THE
HISTORY OF SURGERY IN ENGLAND.

BY THOMAS CHEVALIER, A. M.
A MEMBER OF THE CORPORATION.

Reprehendant homines quantum libuerit, modò attendant et perpendant quæ dicuntur. Appellatio sanè legitima fuerit (licet res fortasse ea minùs indigeat) si a primis cogitationibus hominum ad secundas provocetur, et ab ævo præsentis ad posteros.

Bacon. de Augment. Scient. Lib. VIII.

London:

Printed for J. JOHNSON, St. Paul's Church Yard; and
J. DEBRETT, opposite Burlington House Piccadilly.

1797.

[Entered at Stationers Hall.]



71096

ADVERTISEMENT.

THE Author of the following pages attended the meeting which was convened at the Crown and Anchor Tavern in the Strand, on Monday the 8th of May last, to consider of the propriety of opposing the Surgeons Bill: But being soon convinced that the objections made against it were of no force, he thought it his duty, at the next meeting, which was on the Wednesday following, to state his view of the question, and was candidly permitted to do so. Some Gentlemen present agreed with him in opinion; a greater number did not: This determined him to enquire more fully into the subject; and the many harsh and unfair things which have since been said, and the gross mistakes which are gone abroad respecting it, have made him resolve to lay the result of his enquiries before the public.

OBSERVATIONS,

Æc.

THE Bill which was brought into Parliament during the last Session, for erecting the Corporation of Surgeons of London into a College, has been so much misrepresented by its opponents, that it is necessary to state to the Public the occasion of its introduction, and the purposes it was intended to answer.

An Act was passed in the eighteenth year of his late Majesty King George the Second, by which the Barbers and Surgeons of London were separated into two distinct Corporations. By a clause in this Act it was necessary to have the presence of two Governors out of the three*, at every meeting of the Court of Assistants, in order to legalize the transactions of that meeting. At the Court held in rotation on the first Thursday in July, 1796, for

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* The Master and the two Wardens are called Governors.

the purpose of electing officers for the ensuing year, not more than one Governor could possibly attend. One had very suddenly died: the other was paralytic, at a considerable distance from town; and an attempt to remove him was thought to be in the highest degree dangerous and improper. The choice of officers therefore unavoidably took place without him; an illegal act was of necessity committed, and a deficiency arose in the Constitution of the Company, which it was necessary to supply; and, if possible, to prevent it from occurring in future.

At this time several other circumstances existed, which had led the Court of Assistants to think of an application to Parliament for a new act. That of the 18th of George II. only empowered the Company to hold the yearly value of £200. in freehold property, without incurring the penalties of the statute of Mortmain; a sum by no means equal to their annual expenditure. The hall which they occupied in the Old Bailey was in a very ruinous state; requiring, in the opinion of a surveyor, who had accurately examined it, near £2000, to put it in proper repair. It was moreover inconvenient, held on a lease of which fifty-five years only were unexpired; inhabited at an expence of £500. per annum, including the value of the money laid out in the building; which expence would have been greatly increased by the repair:

repair : and the sum expended, wholly lost to the company, unless they were to renew their lease at an increased rent, in consequence of their own improvements.

It was therefore thought advisable to seek for a more commodious house, in a more eligible situation, and if possible, a freehold. The house lately occupied by Mr. Baldwin in Lincoln's-inn-fields being shortly after offered for sale, and possessing all these recommendations, it was purchased, and vested in trustees for the benefit of the Company, till the restrictions they lay under with regard to the statute of Mortmain should be taken off.

Further, The act passed in the 32d year of Henry VIII. (A. D. 1541) had inflicted a penalty of five pounds per month on all who practised Surgery, without their licence and authority, within the city of London, and one mile thereof; and the patent of Charles I. given in the year 1629, had extended their jurisdiction to seven miles round London: But this article not having been formally inserted in the act of the 18th of George II. great doubts were entertained of the Company's power to prosecute offenders. It was therefore necessary to make this clear; and the increase of population in the vicinity of the metropolis, with the decrease in the value of money, made it seem proper to extend the jurisdiction to ten miles, and to increase the

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penalty

penalty to ten pounds, in order to fulfil the purposes originally intended by them.

Lastly. The Societies of Surgeons in Edinburgh and Dublin had both been incorporated as Colleges; a title certainly more suitable to a scientific body, who have no commercial interest to support, than that of a Company, or Corporation. It was therefore natural to wish that the Surgeons in London should enjoy an equal degree of rank with them; especially as they were a much older, and had been a more beneficial company to the public, than either of the former.

To these alterations in their favour it was thought the company had some claim. For exclusive of the advancement made in chirurgical knowledge by many of its members, and the benefit resulting from thence to the public at large; the Court of Examiners had, ever since the act of the 18th of George II. was passed, examined, without any personal reward, all the army and navy Surgeons and Surgeons mates, and had made a provision of eighty pounds per annum, out of the company's funds, for a course of lectures on Practical Surgery, to be given gratis to the gentlemen intended for those services*.

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* The trouble of examining Surgeons and their mates for the army and navy services was at first but trifling, but

On these grounds therefore a Petition was presented to the House of Commons, on the 23d of February last, signed by a majority of the Court of Assistants, and on the 20th of March following*, a bill was brought in, containing the following provisions for the more easy and regular transaction of business in future, and the greater respectability of the members of the corporation.

- I. That the Corporation should be erected into a College; that the names of its officers should be changed, and instead of Master, Wardens, Examiners, and Assistants, be called President, Vice Presidents, Censors, and Council. But though the names were changed, the number, power, and duties of each, respectively and together, were to remain exactly the same.

II. The

but at length it has become very considerable. In time of war the Examiners are obliged to meet every fortnight for that purpose, let their professional or other engagements be what they may; and often examine from twenty to forty persons in an evening. A duty of no small inconvenience and fatigue; as it falls, and must fall, only on those who are at the head of the profession, and are in the most extensive practice,

* I take these dates from the *St. James's Chronicle* of February the 25th and March the 21st.

II. The second and principal article was, That business might in future be legally transacted in the presence of ONE President or Vice President, and four Censors; and that if ever the President and both the Vice Presidents should happen to be dead at the same time, the senior surviving Censor might convene a Council for the election of others in their stead.

III. That the College thus constituted might be able to hold freehold property of the yearly value of one thousand pounds, (the sum allowed to the colleges of Edinburgh and Dublin) without incurring any of the penalties of the statute of Mortmain.

IV. That the jurisdiction of the Court of Examiners (or Censors) should be extended to ten miles round London, but with respect to future settlers only in the additional three miles; and that the penalty for practising Surgery without their authority, should be increased from five pounds per month, to ten.

There was also a clause confirming the endowment for a course of chirurgical lectures; and directing those lectures to be given by one of the members of the Council: and another clause which
required

required the candidates applying for examination, to be of the age of twenty-one years.

In every other respect the Bill resembled the old act.

It passed through the House of Commons, after undergoing some amendments, in its phraseology, and was on the point of being read a third time in the House of Lords, when a sudden and unexpected opposition arose from some members of the company, which was conducted with great warmth and perseverance, and at length occasioned it to be lost; at least till a future application can be made.

As, in the course of this opposition, much has been said, not only to misrepresent and traduce the Bill itself, and those who petitioned for it, but also to procure a total overthrow of that Constitution of the Company, which has subsisted for more than half a century, with eminent advantage to the profession, and to the public at large; and to substitute in its stead a speculative and untried scheme, dressed up after the frippery of modern times; it is necessary to discuss the objections that have been started, that the public in general, and the Legislature in particular, may have a more ample statement of the case before them.

But

But in order to do this with the greater advantage, and to shew the propriety of our enjoying the honour that has been solicited, it will be proper to enter a little into the History of the Company; and briefly to consider what Surgery is, and what progress it has made. This is the more needful, because a noble and very learned Lord, whose great talents and able services have rendered him deservedly high in the public esteem, has not thought it beneath him to treat the profession at large with the most pointed sarcasm and contempt. I hope it will appear that his Lordship was mistaken on this occasion, and that his ridicule was both undeserved and misapplied.

The former connection of the Surgeons Company with the Barbers, has afforded many persons a plentiful subject for derision. I shall therefore first endeavour to trace out the origin of that connection.

If every thing is to be despised which was small or obscure in its beginning, perhaps we shall not find much in human affairs to command our respect. Arts and Arms, Legislation and Commerce, have all emerged from rude and imperfect efforts; and every branch of Science has at some period been polluted with weakness, inconsistency, and folly.

But

But it is the object of a Science, and not the state of it, from which we are to estimate its importance. The latter depends on a variety of circumstances, which are subject to great uncertainty. The Spirit of the times, and the patronage of the public, must concur with the genius and industry of individuals, or few advances can be made in a profession like Surgery, which, however contemptible it may appear to those who do not understand it, opens on every path of human enquiry, and calls for the close and persevering reflection of a vigorous and comprehensive mind.

But the spirit of the times, in this and the neighbouring countries, was long before it looked with a fostering eye on any part of medical Science. For many centuries Physic was almost entirely in the hands of the clergy, who by involving it in superstition, found it a very profitable employ, and in many instances an introduction to preferment*. Surgery lay under greater disadvantages; a principal part of it, the care of the wounded and lame, being commonly entrusted to women, and ignorant pretenders.† We are told indeed that when Galen came from Pergamos to Rome, near the close of the second century, he found it practised there as a separate branch of the medical art‡.

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* See Rymer's *Fædera*, tom. II. p. 1035—1036, tom. X. p. 263, &c. † Pasquier, *Recherches de la France*, p. 862. ‡ Bernier, p. 2. c. iii.

But this custom was soon lost in the convulsions which overthrew that empire; and it is not till toward the middle of the twelfth century, that we find any traces, either in history or romance, of its forming a distinct profession in papal Europe*.

It will be necessary to trouble the Reader with a short detail of the circumstances by which this alteration was brought about; as it will enable him to account for the inconsiderable appearance of our early Professors.

When the University of Paris, the foundation of which had been laid by Charlemagnet, began to assume a more regular form under the reign of Louis the Seventh, a Faculty of Medicine was soon added to the former three of Divinity, Arts, and Decrees. In consequence of this, some able men began to study Hippocrates and Galen, whose writings were also read in the public exercises. The novelty of these Lectures occasioned many of the Clerical Physicians to neglect their religious duties in order to attend them. This neglect soon grew to such an excess, that in a Council held at Tours by Pope Alexander the Third, in 1163, the following mandate was issued: *Statuimus ut nulli omnino post votum religionis ET POST FACTAM IN ALIQUO LOCO PROFESSIONEM AD PHYSICAM,*
legesve

* Pasquier p. 818. † Bulæi Hist. Univ. Par, tom, I.

*legesve mundanas, permittatur exire. Si vero exierint, et ad claustrum suum intra duorum mensium spatium non redierint, sicut excommunicati ab omnibus evitentur**. This was afterwards repeated by Honorius III. about the year 1216†.

In consequence of this restriction, a few laymen were encouraged to apply to the study of physic; but as the University would not receive them without a vow of celibacy, most of them became priests when they had finished their studies‡.

The priests being now forbidden to leave their cloisters, were for the most part consulted at home. The servants or friends of the sick used to carry their urine and other excrements to them§, with as good an account as they could give of the indisposition; the Physicians of course directed what medicines

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* Pasquier ut supra, † V. Recherches sur l'Origine &c. de la Chirurgie en France—and Du Boulay, passim.

‡ Bulæi Hist. Univ. Par. tom. II. p. 575.

§ In allusion to this custom Hugues de Berci, who lived, according to Moreri, about 1250, thus pays off the Physicians, who began to assume the name of *Physici* and *Fificiens* at that time.

“ Fificiens sont appelez,
Sans fy ne font ils point nommez ;
De fy doit toute ordure naitre,
Et de fy Fifique doit estre.
De fy Fifique me deffie,
Fol est qui en tel art se fie,
Ou il n' a rien qui n'y ait fy,
Donc suis je fol si je m'y fy.” Pasquier, p. 722.

were to be taken, and in case of external diseases, what applications were to be employed. In the latter case, it was most usual for them to send their own servants, (who acted as their Barbers*) to perform what was necessary; for cold applications to the head, previously shaved, formed then a very principal remedy in many diseases. Many of these men therefore became wholly employed in visiting the sick for the Physicians, in bleeding, and the inferior operations of Surgery, all of which were considered as too indelicate for the sacred function†, and in time obtained from hence a good degree of the confidence of the public; just as the servants of apothecaries frequently do at this day. The capital operations, of which very few indeed were then performed, were commonly entrusted to the lay-scholars of the University, who had studied physic, but had not been permitted to become members of the Faculty, not having taken the vow of celibacy. These however were few; so that the clergy occasionally intermeddled with this branch of practice, till at length, by two decrees, the first issued by Pope Boniface VIII. at the close of the thirteenth century, and the second by Pope Clement V. at Avignon, near the beginning of the fourteenth

* Pope Alexander III. had at this time revived the canon first issued by the Synod of Carthage, respecting Clerical Tonsure. Vide Hotomanni *IIwywiaz*, p. 27.

† “ L'Eglise n'abhorre rien tant que le sang.” says Pasquier!!

fourteenth, Surgery was formally separated from Physic; the priests were absolutely forbidden to practise it; and the University of Paris, in consequence, refused to admit any student into the Faculty of Medicine who did not abjure it.

It is evident that Surgery was distinguished from Physic, long before Surgeons were distinguished from Physicians. After the mandate of Pope Alexander III. it began to be cultivated with some degree of attention at the famous school of Salerno, and perhaps at Naples and Montpellier. By one of the statutes of the Emperor Frederick II. the founder of the academy at Vienna, the former school obtained the power of granting degrees in medicine about the middle of the thirteenth century; and one clause in that statute particularly relates to Surgeons*, concerning whom a better and more just opinion seems to have been there entertained, than at Paris. The Italian universities admitted lay students to equal privileges with the clerical; some of them became physicians of note, and the clergy left the performance of Surgical operations entirely

* “ Salubri etiam constitutione sancimus, ut *nullus Chirurgicus* ad practicam admittatur, nisi testimoniales literas afferat Magistrorum in Medicinali facultate legentium, quod per annum saltem in ea parte Medicinæ studuerit, quæ Chirurgiæ instruit Facultatem; et præsertim anatomicam humanorum corporum in Scholis didicerit, et sit in ea parte medicinæ perfectus, sine qua nec incisiones salubriter fieri poterunt, nec fractura fractura curari.” Bulæi Hist. Univ. Par. tom. III. p. 158.

entirely to them, for the reason before assigned, as we learn from Brunus and Lanfranc, the latter of whom was by birth a Milanese. Several of these came over to France at different periods, where they practised with considerable success and reputation. However, that they did not confine themselves entirely to Surgery ; is exceedingly evident from their writings.

How far this regulation in the school, or University as we must now call it, of Salernum, might influence the minds of the French Surgeons to seek for an establishment, I cannot say ; but it was, in all probability, about this period that Louis IX. commonly called St. Louis, who had accustomed himself to assist in dressing the wounds of his soldiers, first incorporated the Surgeons of Paris. After the mandate of Pope Alexander had been repeated by Honorius III. the clerical physicians more frequently gave advice in the churches ; especially in the church of Nôtre Dame, where the Surgeons attended to receive their directions about some of their patients, and to dress the sores of such as came thither. At length St. Louis, thinking the Surgeons deserving of more respect, than merely to be considered as the scholars and underlings of the Physicians, constituted them into a College, or Confrairie, about the year 1268, in honour of St. Côme and St. Damien ; and in the church consecrated

secrated to those saints they for several centuries after were obliged to attend the first Monday in every month, after divine service, to dress the wounded and lame poor, gratis*.

Thus then arose the two classes of Surgeons in France. Those who had a regular, though a defective education, in the School of Physic, and occasionally practised as Physicians; and those who were originally employed as the servants of the priests, being in fact Barbers. Some of the latter on leaving their employers began to encroach on the former, and it appears that in the year 1301, there were twenty-six of this description settled in Paris. The former class had considerably multiplied towards the time when Clement V. removed the papal See from Rome to Avignon, but as they were still comparatively few in number, the Barbers were of necessity tolerated as inferior Practitioners. However in the year 1301, they were summoned before the *Procurcur du Roy*, at the Chatelet of Paris, and forbidden to practise till they had been examined by the *Maitres Chirurgiens*†. This prohibition was of little avail. The *Maitres Chirurgiens* had no specific authority. The number of ignorant pretenders was daily increasing; till at length John Pitard, who had been Surgeon successively to St. Louis,

* Pasquier ut supra. p. 862. Mem. l'Acad. de Chir. tom. IV. Introd, p. 2, † Pasquier, p. 874.

Louis, Philip the Brave, and Philip the Fair, obtained an edict from the latter in the year 1311, by which he was empowered to assemble with the Masters in Surgery; to compel all practitioners in that art to appear before him, to be examined respecting their qualifications; to grant licences to such as were of competent abilities, and to take them before the Provost of Paris to be sworn. The Provost being at the same time authorized to punish all who dared to practise within the city and lieutenancy of Paris, without having first obtained this sanction from John Pitard, or his successors in office. This edict was repeated with some slight alterations by King John in 1352, and again in 1355; and afterwards by Charles V. who while he was Regent had enrolled his own name among the list of their members*; and who finally determined in the year 1372, that the Surgery of the Barbers, for the future, should be confined to dressing boils, bruises, and open wounds which were not mortal, but might become so without timely assistance†.

During the whole of this period France was the principal seminary of English learning, and the source of English customs. Still,

“Gallia caussidicos docuit facunda Britannos‡.”

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* His successor Louis XIII. did the same in 1615; the year after he was declared of age by the Regent.

† Pasquier ut supra.—Appendix to the Recherches sur l'Origine, &c. de la Chirurgie. ‡ Juven. Sat. XV.

One department in the University of Paris was called the English School, over which an English *Procureur* presided, and was chiefly filled with students from this country*. With regard to Chirurgical, or indeed medical knowledge, none that was worth the name could be obtained in England. All the Physicians of any note came over from Italy or France; but most of them from Paris. And as to Surgeons, we hear scarcely any thing of them till the middle of the fourteenth century, after the establishment of the French College under John Pitard. That they appeared no earlier; that when they did appear, their station was low, and their functions confined, is not owing to any thing imputable to them, or to the profession they followed; but to the want of an institution, like that in Paris, to educate them regularly; and to the rapacious avarice of the Romish Clergy, who were the Lawyers, the Physicians, the Divines, the Treasurers, the Chancellors, and what not, smuggling wealth and power on every side.

That there were persons here who followed Surgery as a separate profession, soon after they existed in France, is however exceedingly probable. William the Breton, who wrote at the beginning of the thirteenth century, has marked the distinction in his *Philippide*, when speaking of the wounds of

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* Pasquier, p. 845.

our Richard I. before the Chateau de Limosin in 1199, by an arrow that entered his shoulder*.

“Interea Regem circumstant undique mixtim;
Apponunt Melici fomenta, SECANTQUE CHIRURGI,
Vulnus, ut inde trahant ferrum levioꝛe periculo.”

Nevertheless, after a long and tedious research, I have not been able to find that any Surgeon was stately appointed to attend the king's person, before the year 1360, when Richard de Wy was made Surgeon to Edward III†. From that time the appointment was regular, though the persons who held it were frequently foreigners. About this period also lived John of Ardern, who practised at Newark in Nottinghamshire, and is the first mere Surgeon in England whose writings have come down to us. He was a man of learning for the time in which he lived; and from several passages in his writings, I think it highly probable he had studied abroad. This was an advantage which few of his cotemporaries here possessed; although there can be little reason to doubt that many of them came over from France with their patrons the priests, to settle in this island. But these were employed, as has been said, in subservience to the clerical doctors, who took pretty good care that their servants should not be wiser than themselves.

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It was not till the reign of the fifth Henry that the public mind in this country seems to have been awakened to the importance of the Surgical Profession, or the necessity of placing some controul over those who pretended to practise it. Indeed, so late as the third year of that monarch's reign, so very few of this profession were to be found, that when he undertook the invasion of France with a great fleet and army, he only took one principal Surgeon, Thomas Morstede, and twelve assistants with him, on that expedition; he even gave some of his own jewels in pledge for the payment of the salary which was allowed them. In the following year, for his second expedition, a warrant was issued to the same Thomas Morstede and one William Bredewardyn, to press as many Surgeons and their Instrument Makers into their service, as they could any where find; "*Ubicunque invenire poterant, tam infra Civitatem nostram Londoniæ, quam alibi*.*" In the ninth year of the same reign it was enacted by the Parliament, "That the lords of the King's Council for the time being," should have power to punish those who practised Surgery without being approved by Masters of that Art; but the number of good practitioners still continued so small, that it was not possible to put a stop to the bad.

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However

* See Henry's History of England, vol. X. Rymer's *Fœdera*, tom. IX. p. 237. 252, 363.

However, during the long reign of Henry VI. in whose minority the Duke of Bedford acted as Regent in France, the number of Surgeons prodigiously increased. Several appeals were made to the ministers of this prince, from the Surgeons and Barbers in France, both at Paris and Bourdeaux*, and they came over here with little reserve. In the mean time copies of the writings of Albucasis, Avicenna, the Greek Physicians, Guido de Gauliaco, Lanfranc, John of Ardern, and others, had multiplied, and were consequently more generally read. The Profession began to assume a more scientific appearance; and when Edward IV. ascended the throne, the London Practitioners began to think of applying for a patent of incorporation, that should place them on a footing with their brethren in Paris; and enable them to put a check on the crowd of ignorant and vile impostors, who began now to pour in from all parts, and commit the most daring and impudent frauds, under the cloak of practising Surgery†.

It can be no information to the Reader to observe, that before this period our forefathers permitted

* Pasquier, p. 875. MS. Sloan, 4604—61, &c.

† In this reign the office of Serjeant Surgeon was first instituted. See Rymer's Fæd. tom. XIII. p. 374. It was probably first given to William Hobbys, with a salary of forty marks per annum. MS. Sloan, 4614—41.

mitted their beards to grow. Shaving was an operation very rarely performed, and was actually considered as the business of a Surgeon; being seldom needed except in case of some accident which made it necessary to remove the hair from the injured part; or of those diseases, in which, as has been before observed, considerable relief was expected from shaving the head, and making certain applications immediately to it. There is sufficient reason to believe that prior to the reception of the Faculty of Medicine into the University of Paris, the clerical Physicians were frequently employed for this purpose*. Afterwards it was left in the hands of those to whom other manual operations were committed, and there, it was shortly confined to the lower class of them.

In England however, there were no Surgeons for several centuries who did not practise as Barbers, the King's Surgeon not excepted. In a patent issued for the naturalization of Michael Belwell†, who was Surgeon to Henry VI. in 1443, he is styled "*Valettus et Sirurgicus noster*;" and the *Capitis Rasura* is expressly mentioned in the warrant issued to Wareyn and Marchall, Surgeons to the same monarch in 1454‡, as a part of their duty.

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* Pasquier, p. 874. † Rymer, tom. XI. p. 18.
‡ Ibid. p. 347.

The business of a Barber therefore in those days implied no degradation whatever. Rather the contrary under certain circumstances. The office of Barber at the Palace Gates was granted in 1447, as a mark of special favour to Robert Bolley, and Alexander Donour, servants of the King's Ewry, with the right of retaining very exorbitant fees for the tonsure of those who were created Knights of the Bath:* This being a part of the ceremony performed at their installation. The fee to be given on this occasion by a Duke was ten pounds. A sum equal at least to twelve times as much at the present period.

Under these circumstances, then, the Barbers of London in the year 1461, petitioned King Edward IV. to be incorporated, AS SURGEONS, into a City Company: and AS SURGEONS, and in no other capacity, they obtained their charter from that Prince. And this incorporation, however trifling and ridiculous it may now appear, was the first ever established in Great Britain for the regulation of any part of the medical profession: BEING ERECTED FIFTY-NINE YEARS BEFORE THE COLLEGE OF PHYSICIANS.

The charter itself appears to be framed very much after the plan of the edict issued by Philip the Fair

* Rymer, tom. II. p. 182.

Fair in 1311, in favour of the Surgeons of Paris, as it was afterwards amended by King John and King Charles V. After mentioning the number of ignorant and incompetent practitioners, who were daily flocking into the City of London, through whose want of skill "*quamplurima et quasi infinita mala diversis ligeis nostris evenerunt quorum quidam alii ea de causa viam universe carnis sunt ingressi, alii autem eadem causa tanquam insanabiles et incurabiles sunt ab omnibus derelicti, &c.*" it proceeds to ordain that two principal persons of the community incorporated, with the assent of twelve, or eight persons thereof at the least, might every year elect out of the community two Masters, or Governors, being the most expert in the Mystery of Surgery, who should have the oversight and government of all persons of the same profession within the City of London, both freemen and foreigners. That no person should be permitted to practise without their licence and authority, and "That they should and might admit *persons able and sufficiently learned in the said Mystery of Surgery*, and approved of by them in form, *and no other persons*, nor in any other manner," into the Company, and to the Liberties of the City. It also gave power to the Governors, to examine all instruments and medicines used in Surgery; to punish unlicensed practitioners by fines, forfeitures, and imprisonments; and exempted all the members from being put on juries, inquests, &c.

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I again repeat, that in no part of this charter are the Barbers considered under any other character than that of Surgeons; and that no reason is anywhere assigned for their incorporation, but that they practised as such.

It is admitted that while Surgeons were Barbers, Surgery, and indeed Medicine itself, must be in a very barren condition. But if the general state of things at this period be considered, little else was to be expected.

Impoverished and cramped on every side by papal tyranny, England had scarcely beheld the dawn of learned or commercial glory. Distracted on the one hand by meretricious schemes of conquest abroad; racked and trodden down on the other, by internal dissensions at home, the minds of men were not sufficiently tranquil to cultivate the peaceful arts. Robbery and murder were the diseases they had chiefly to dread; order and peace were blessings of which they knew little but the name. Few advances therefore could possibly be made in liberal pursuits, when no public institutions could be arranged to promote them. But had circumstances been otherwise, the communication of knowledge was still uncertain and slow: The art of printing, though indeed it was invented, was here unknown, and England was distant from the repositories of learning. Medicine,
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it is true, was taught in the universities; but in so crude and defective a state, that it rather deserved the name of a superstition than a science: and Surgery, for aught that appears to the contrary, was shamefully overlooked*.

Not only was the general state of things unfriendly to learning, but there were many circumstances which made Surgery then, a very different thing to what it is now. Except the larger pieces of ordnance, which were used in the attack of fortified places, fire arms were not yet employed in battle, either by sea or land. The principal dependence of the English armies was on their archers. The warriors also were defended by armour, and the wounds they received were less varied and complex than those which are now inflicted. Several diseases which afterwards appeared, and many remedies which have since been discovered (among which the Bark, and almost all the Chemical compositions are to be included) were altogether unknown. For America was not then become the theatre of European avarice, nor had lawless love engendered that fatal poison, which has since overspread so many thousands of her votaries with rottenness and misery. To this may be added

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* Wood, the learned historian of Oxford, confesses he could scarcely tell where the Schools of Medicine stood at this period, "*Scholæ istæ ubinam steterint parum liquet.*" Hist. Univ. Oxon, Lib. II. p. 18.

that Anatomy, the basis of all chirurgical knowledge, was yet uncultivated. For though little scruple was made of murdering an obnoxious rival, or of burning a reputed heretic alive, the dissection of a dead body was considered as barbarous, and ignominious both to the person who performed it, and to the character of the deceased.

What then could be looked for in such unpropitious times? Is it just to reproach any body of men with the character of their predecessors in so dark an age? Or might not the reproach be equally retorted on the other learned professions?

But to proceed—The Barbers charter was renewed by King Henry VII. in the year 1500, with only this alteration, that four Masters were appointed instead of two, who were stiled *Magistri sive Gubernatores mistere Barbitonforum et Sirurgicorum*. Shortly after, in 1505, the Barbers and Surgeons of Edinburgh obtained a seal of Cause from the Magistrates and Council of that City*,
by

* As it will shew something of the state of Surgery at that time, I will insert the following extract from the petition presented to the Council on this occasion.—
 “ And also that every man that is to be made freeman
 “ and Master amongst us, be examined and proved in
 “ the poyntes following. That is to say, That he know
 “ anatomia, nature and *complexions* of every member
 “ of humans body; and likewyses, that he know all the
 “ vaines of the famen, that he may make phlibothmia
 “ *in due tyme*. And also that he know in *quhilk mem-*
 “ *bir the signe has dominatione for the tyme*: for every
 “ man

by which they were incorporated, and which was afterwards ratified by a charter from King James IV. dated October 13, 1506.

The charter of Henry VII. was confirmed by Henry VIII. in 1512, the third year of his reign, without undergoing any alteration whatever. The delivery of this latter was delineated by the pencil of Holbein, who has represented eighteen principal members of the Company attending the monarch on this occasion.

In the same year an Act of Parliament was passed, enacting that no person should be allowed to practise Physic or Surgery within London or seven miles thereof, until he had been examined and approved by the Bishop of London, and the Dean of St. Paul's, with four Physicians for Physic, and for Surgery, with four persons expert in that faculty: or beyond these limits, by the Bishop of

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the

“ man aught to know the nature and substance of every
 “ thing that he works in, or else he is negligent. And
 “ that we may have *ance in the year*, a condemned man,
 “ after he be dead, to make anatomia of, quhairthrow
 “ wee may have experience ilk ane to instruct others,
 “ and we shall doe sufferage for the saule. And that na
 “ barbour, master, nor servant within this burgh, haunt,
 “ use, nor exerce this craft of surregiarie without he
 “ be expert, and know perfittlie the things above
 “ writin.—Item, That na master of the said craft shall
 “ take ane apprentice or servant man in tyme coming till
 “ use the surregiane craft, *without he can baith read and*
 “ *wryte.*”

the diocese or his Vicar General, either of them calling to him such expert persons in the said faculty, as their discretion should think convenient. The reason for including Surgeons in this act, was probably not merely the limited jurisdiction of the Barbers Company, but because Surgery was now become a more respectable profession, and was thought to require the supervisal of abler men.

The prudent reign of Henry VII. had produced a considerable alteration in the state of England, by increasing the population and independence of the towns; and of course the number of artisans in each. In this reign also the Venereal disease first made its appearance, and produced the most dreadful symptoms. The necessity for Surgeons therefore increased, and a few arose who confined themselves entirely to that profession, having no connection whatever with the Barbers. It is said however that when the act of 3 Hen. VIII. was passed, there were but ten of this description in the City of London*; and it is certain there were not more than twelve two years afterward; for by 5 Hen. VIII. c. vi. it is enacted, that the Surgeons, so long as there should be no more than twelve of them within the City of London, should be exempted from bearing of arms, and being put on watches and

* Vid. Present State of Chirurgery, in a letter to Mr. Serjeant Bernard, by T. D.—Lond. 1703.

and inquests. By the same act, the like exemptions were granted to the Barber-Surgeons, in a distinct clause.

Meanwhile the custom of shaving the beard came into general use. The Barbers of course multiplied, and became a more promiscuous class of men, many of whom could neither write nor read. Surgery on the other hand, was increasing in credit, and was publicly taught in several parts of Italy and France with ability and success. The art of printing which was now well known, had been the means of multiplying copies of the most reputed writings, of diffusing the observations they contained, and facilitating the attainment of knowledge. The use of small fire arms, which began about this period to be employed in battle, opened a new field for Practical Surgery, and greatly increased the number of regular Surgeons toward the latter end of this reign. An opportunity seems therefore to have been afforded of placing this branch of Medicine on a just and respectable footing: But, unluckily, its true character was not yet fully understood, either by its professors or the public.

A most absurd and ridiculous act was therefore passed*, which instead of keeping the Surgeons (who had formed themselves into a Society) separate
and

* 32 Hen.VIII, c. xlii.

and distinct from the Barbers, united the companies, though it separated their professions. It first of all sets forth, that it was necessary for these companies to be united, and made one body incorporate, “*to the end THAT BY THEIR UNION AND OFTEN ASSEMBLY TOGETHER, the good and due order, exercise, and knowledge of the said Science or Faculty of Surgery, SHOULD BE, AS WELL IN SPECULATION AS IN PRACTICE, more perfect than it hath been;*” and then proceeds in the third clause to enact, “*that NO BARBER SHALL OCCUPY ANY THING BELONGING TO SURGERY, drawing of teeth only excepted:*” So that those who *did* practise Surgery, were often to meet and assemble with those who *did not*, TO BE IMPROVED BOTH IN SPECULATION AND PRACTICE.

This act however allowed the company thus incorporated to take yearly four bodies of persons put to death for felony, for the purpose of dissection. It continued the appointment of four Governors, two of whom were to be Surgeons, and two Barbers, and extended their jurisdiction to one mile round London.

The Surgeons were thus settled with an incumbence which lasted them for more than two hundred years, and kept them in a state of inferiority, as impolitic, as it was ridiculous.

Physic was more fortunate.—The justly celebrated Linacre had supplied in Italy, those defects in medical education which were so flagrant in our own Universities; and being, on his return, appointed Physician to Henry VII. and retaining also the confidence of Henry VIII. was highly instrumental in obtaining the Charter of September 23, 1518, by which the College of Physicians was established, and which was confirmed by act of Parliament in 1522. From this period medicine began to emerge from empiricism and neglect, and to assume its proper character. Its professors obtained a suitable rank, and gained a just and honourable distinction by passing through a fit test of their talents and learning, and thus being associated with a body of men, who have long maintained an ample claim to the public respect and confidence.

Liberal endowments were made to support this new institution; and, through the exertions of Linacre, arrangements were adopted in the Universities of Oxford and Cambridge for a more extensive and adequate plan of medical education. These arrangements succeeded so well, that in the year 1674, King Charles II. thought it right to send an order to the College, desiring them to admit no person as a fellow, who had not graduated in one of those Universities: a measure, which, at an earlier period, would have been manifestly improper*.

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* MS. Sloan. 3299—44.

Had Surgery been equally fortunate, it might have made equal progress: But many circumstances concurred to keep it back. Not only the means of advancing it were ill understood*, but its true nature was misconceived; and a narrow, illiberal spirit of animosity and jealousy, arose between the Physicians and Surgeons, which hurt both themselves, and the Science they professed.

However some exertions were made. The reign of Elizabeth, which commenced in 1558, was splendid, active, and favourable to learning in general. Considerable additions had then been made to the stock of anatomical knowledge by Vesalius, Fallopius, and others. The art of engraving enabled them to disseminate their discoveries; and we have several Chirurgical treatises, published in London between the years 1570 and 1590, which at least deserve the praise of diligent compilation. Rude and uncouth as the writings of Gale and Banester now appear, yet when compared with the fragments which are left by writers half a century earlier†, they show an evident advancement in the science, and give no mean idea of the talents, or industry of their authors.

The

* In the year 1566, a bye-law was made by the united Company, "that no private anatomy should be dissected out of the hall, under the penalty of ten pounds."

† Most of these are copies of John of Ardern, with a few extracts from foreign writers, and some receipts of their own nostrums.

The French Surgery, which had for some time past lain neglected, now revived under the justly celebrated Ambrose Paré. This great man was originally one of the Barber-Surgeons in Paris*, but was raised by his superior talents and diligence, to the most distinguished eminence of any Surgeon at that time in Europe. His writings are still valued. To show the estimation in which he was held, it will be sufficient to observe, that when the bloody massacre of the French protestants (of whom he was one) commonly called the Bartholomew Massacre, was on the point of being perpetrated, the king (Charles IX.) sent for him over night into his wardrobe, and made him stay there in safety (without even pressing him to change his religion) till the savage emissaries of that cowardly plot had executed their orders†.

Scotland also had the honour of producing a Surgeon of no mean account in the person of Peter Lowe, who was appointed by James VI. (our James I.) to examine and license all Surgeons practising in the western parts of that country. This monarch confirmed, in the year 1613, the charters, &c. which had been hitherto issued in favour of the Barbers and Surgeons of Edinburgh.

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During

* Pasquier, p 877.

† Mem. de Brantome, tom, IV. p. 8, 9.

During the reign of Queen Elizabeth, prosecutions were frequently commenced by the College of Physicians against members of the Surgeons Company for practising physic; which they were considered as doing, whenever they prescribed internal medicines, even in Chirurgical cases. According to the doctrine then maintained, if a man had but a boil on his nose, he must have a Surgeon to apply a plaister, a Physician to order him a purge, and an Apothecary to put it up—greatly to the relief of his pocket, and the good order of the profession. However, it must be mentioned that the College were authorised by law to practise Surgery; and a Surgical Lecture had been founded there by Lord Lumley and Dr. Caldwell about the year 1582, which had been of great public utility*; while Surgery was very imperfectly taught by the members of the Company at that time, either as individuals or as a body. The Surgeons not only then, but for a long time after, were very inattentive to that true foundation of good Surgical Practice, a knowledge of the theory of medicine: And this neglect led them to admit several, perhaps many, into their number, who were extremely ignorant in this respect, and who were merely acquainted with the general anatomy of the body,

* It was at this lecture Harvey first made public his discovery of the circulation. Vid. Goodall's Epistle Dedicatory. Also the Life of Harvey prefixed to the College edition of his works.

body, and the mechanical performance of such operations as were then in use.

Of late, and since the distinction between Surgeons and Physicians has been taken, as it certainly ought to be, rather from the diseases they treat, than from the part each of them take in the treatment, this opposition has been gradually wearing away, and is not likely to be revived : But at that time it grew to a very serious height. The College sent a letter to the Surgeons Company, on the 12th of November, 1595*, avowing their intention to proceed against all of them who should offend in this matter. They accordingly commenced a process shortly after against one Jenkins, which was left to the decision of Sir John Popham, then Lord Chief Justice, who determined it April 8, 1602, in favour of the College ; declaring it as his opinion, “ *that no Surgeon, as a Surgeon, might practise Physic ; no, not for any disease, though it were the great pox,*”† And further, “ That the Lord Chief Justice could not bail, or deliver the College prisoner, but was obliged by law to deliver him up to the College Censure.” For this decision his Lordship received a very flattering letter of thanks from the College.

* Goodall, p. 340.

† Alston, p. 115. Goodall, p. 344.

It was now high time for the Surgeons Company to look about them; for whatever Jenkins might be, and it is very clear what he was, this decision went against the members of the Company at large, and degraded them into the servility of the most dependent hirelings. But King James shortly after coming to the throne of England, they applied for a new Charter, and obtained it on the 30th of January. 1604.

This entrusted the examination of all who should practise Surgery within three miles of London to the Master and two of the assistants, being Surgeons, and admitted all who were approved by them, “*ad exercitium, usum, et practicam misteræ sive artis prædictæ, omnibus necessariis et salubribus viis et modis convenientibus, TAM INTERNIS QUAM EXTERNIS MEDICINIS artem sive misteriam Chirurgicam concernentibus, secundum experienciam, cognitionem, et scienciam eorundem,*” &c.

By this Charter the Court of Assistants was first appointed. They were to be twenty-six in number, and to hold their office for life, unless some reasonable ground should occur for their removal. It was not however determined that any fixed number of the Court of Assistants should be Surgeons, and therefore the Masters were directed, every year, before the expiration of their office, to choose twelve persons out of the assistants and commonalty

monalty, six of whom were to be Surgeons, and six Barbers; which twelve were to choose the four new masters for the ensuing year, out of the Court of Assistants. A clause was also inserted, prohibiting any person who was not a Surgeon and a member of the Company, from intermeddling with the dissection or embalming of any dead body within the jurisdiction now allowed.

From this time the College of Physicians became less troublesome; though under the pretext that the charter had not been confirmed by Parliament, they fined some members of the company for bad practice. And it is sufficiently evident that the practice of those whom they did fine was bad enough.

The charter was once more renewed by King Charles I. in the year 1629, who extended the jurisdiction to seven miles round London, and made the following alterations in the constitution of the company.

Ten Examiners elected by and out of the Court of Assistants were to continue in that office for life, unless some reasonable cause could be assigned for their removal—The Examiners were to be still considered as a part of the Court of Assistants notwithstanding their election to that office—The Court of Assistants were to elect persons out of their

their own number (being Surgeons) to supply vacancies in the Court of Examiners, and persons out of the company at large to supply vacancies in their own.

All candidates for admission into the Company were to be examined in the presence of two of the Masters, and four Examiners; and all Navy Surgeons, their Mates, their instruments and medicine chests were to be examined by the masters.

It was enjoined that all members of the Company, who might happen to be called to a person wounded, so as to be in danger of losing his life or a limb, should consult one or both of the two masters for the time being, who were Surgeons, respecting the case, within twenty hours, on pain of forfeiting forty shillings.

Every apprentice was to be presented at a Court held in the common hall before one master at least; to be bound for no shorter a term than seven years; not to be decrepid or deformed, or have any corrupt or pestilential disease, but to be sound in body and limbs. If he was apprenticed to a Surgeon he was to understand and read the Latin language; and all this under a penalty of twenty pounds.

A Lecture in Surgery was also *permitted* to be read once a week, or otherwise, at the discretion of the master and assistants.

Respecting every person admitted to practise Surgery it is said in the charter, "*plenam potestatem et auctoritatem de cetero in perpetuum habeat et habebit, facere, præparare, componere, applicare, ADMINISTRARE, et uti, OMNIBUS ET SINGULIS emplastris unguentis, COMPOSITIONIBUS, PHARMASIS, ET ALIIS MEDICAMENTIS, ad artem Chirurgicam spectantibus, quæ per tales homines aut eorum aliquos tam expertos approbatos et admissos, ante hæc tempora habitis, usis, seu frequentatis, aut que per eos sive successores suos, aut eorum aliquem in posterum existimabunt idonea, sana, et convenientia pro meliori et cerciori recuperatione sanitatis paciencium suorum in casibus Chirurgiæ; videlicet, in curacione Vulnerum, Ulcerum, Fracturarum, Dislocacionum, Tumorum præter et contra naturam, et aliarum externarum infirmitatum prout sibi melius fore videbitur expedire.*"

A few years before this charter was given, the immortal Harvey had published his discovery of the Circulation, and thus began that important revolution which has since taken place both in the Theory and practise of Medicine: But as this change was only to be brought about by a careful induction and arrangement of many particulars, and a series of observations entirely new, it was not
very

very quick in its advances. Only a small progress was therefore made in Chirurgical knowledge for the following fifty years ; when Mr. Richard Wiseman, Serjeant Surgeon to King Charles II. published his eight treatises, and first gave lustre to Surgery in England.

By this time a number of events had taken place, which greatly favoured the success of his exertions. Europe had assumed a new character : Science was rising with resistless splendor to dissipate the clouds which had so long obscured her ; and medicine, before a rude and almost pathless desert, began to wear the appearance of cultivation, and to invite, nay to command, attention.

The writings of Lord Bacon had not only been the means of advancing Science in general, by exploding the hypothetical systems received in his time, but had been peculiarly beneficial to medicine. With great accuracy and discernment he pointed out its defects, and showed the necessity of observing his own rules in all future attempts to improve it. His observations on this subject* deserve the repeated perusal of every student.

Taught by the doctrine of so great a master, Sydenham applied himself to the observation of morbid

* De Augment. Scient. Lib. IV. c. 2.

morbid phænomena, which he delineated with uncommon exactness, and careful attention to surrounding circumstances. Others followed the same example, and much light was thrown on the nature and cure of internal diseases.

Anatomy also was now in a high state of cultivation, especially on several parts of the continent. The doctrine of the circulation was universally received; and the art of injecting the blood-veffels with coloured fluids, invented by De Graaf, and improved by Swaëmmerdam and Ruysch, enabled Anatomists not only better to dissect the different parts of the body, but also to demonstrate their structure with great minuteness, and to subject them to the microscope with eminent advantage. Chemistry had furnished many active and successful remedies, both for external and internal use; and was fast emerging from the mystery and jargon in which it had been so industriously obscured. Literary Societies were instituted in various parts of Europe. The genius of Newton was beginning to unfold; and the mechanical arts had made a rapid progress.

But what more immediately contributed to the improvement of Surgery about this period, was an alteration which was made by Louis XIV. in the principal establishment for teaching it in France; whose customs, both good and bad, have always had

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a remarkable influence over this country. A course of Chirurgical Lectures had been instituted in the *Jardin Royal* at Paris in the year 1635, but it was ordained that the Lecturer should always be a Physician, and a member of the Faculty of Medicine in that University. This absurd regulation continued till the year 1671, when his Majesty very judiciously determined, that in future, the Lectures on Surgery and Anatomy should be read by a Surgeon; and shortly after gave orders that bodies for dissection and the necessary demonstrations, should be freely supplied. Dionis was first appointed to this office, and the superior ability with which he filled it, incontestably proved the propriety of the alteration*.

The absurdity of having Surgery taught by one set of men, while it is wholly practised by another, seems almost too gross to need pointing out. Such a plan was scarcely ever thought of in any other profession; and it is, at first view, rather surprising it should ever have been adopted in this.

The fact is, that when Cardinal Etouteville, in the year 1452, abolished the law which obliged the Physicians to celibacy, many of them, thinking there was more comfort to be found in a wife, without a benefice, than could be expected in a
benefice

* Hist. de l'Acad. R. de Chirurgie, p. 27, et seq.

benefice without a wife, abandoned the priesthood, and were then permitted, of course, to visit their patients themselves at their own houses. They now became jealous of the influence of the Surgeons, to whom they were before so much indebted; and tried all the arts and manœuvres that monkish craft could devise, to oppress and degrade them*. Violent disputes therefore frequently arose between them, and the Physicians being members of the University, and therefore under clerical protection, generally prevailed. The Surgeons, very unwisely, instead of endeavouring to act wholly independent of them and the University too, were always trying to push themselves into the latter, under the denomination of a Fifth Faculty; and to make friends for this purpose, of the very men who were despising and persecuting them. They appealed to their honour, their good sense, and so on; but as they could not appeal to their interest, they generally frustrated their own intentions; and only gained the honour of being acknowledged as the scholars and pupils of the University, and being admitted to receive apostolical benediction from the same lips as their High Mightinesses the Doctors. But they were not allowed to graduate there for a very considerable

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* In order to this they patronised the Barbers so far as to read their Lectures on Anatomy, and explain the Surgical Writers to them in the vernacular language; contrary to the universal practice of every School of Physic at that time in Europe. At another they tried to make the Bagnio-keepers supplant the Surgeons.

considerable time after the first reason for prohibiting them was, in fact, done away. The Physicians therefore having the nominal superiority of rank, were always pretending to be the only good and fit teachers of Surgery, and treated the Surgeons as their mere creatures and dependents*.

It was impossible that Surgery could prosper much while this was the case. It was therefore highly proper some alteration should be made†. At length it was made, as has just been described ;
and

* So proud were the Surgeons of being considered even the Scholars of the University that when charged by the Regent with having denied their relation to it, Philip Roger their representative said, so far from having done so, "*si aviezmes songé le dire, nous nous irions coucher pour le désonger.*" Bulæi Hist. Univ. Par. tom. VI. p. 32.

† " On devoit prévoir les malheurs de la division de la Théorie d'avec l'Art d'opérer. Fallope, et Marc Aurèle Severin, en Italie, s'étoient déjà plaints amèrement de l'extinction de la *race Hippocratique* ; c'est ainsi qu'ils appelloient les grands Maîtres de notre art, à qui la science de l'économie animale et des desordres qui peuvent en troubler les fonctions, donnoit des principes sur l'administration des différens moyens de remédier à ces dérangemens. Ils sçavoient appliquer avec dextérité les secours de la main dans les cas où ils les jugeoient convenables : *mais ils n'empruntoient pas les lumières d'autrui pour discerner cette nécessité* ; ils se dirigeoient par celles qui sont le fruit de l'étude et de l'expérience réunies. QUELLE HABILITÉ POURROIENT AVOIR DANS LA PRATIQUE D'UN ART, CEUX QUI FONT PROFESSION DE NE LE POINT EXERCER ? "

Hist. de l'Acad. R. de Chirurgie, p. 31, 32.

and from that period Surgery rapidly improved, and enabled its professors to add lustre to their country.

The wars which deluged the neighbouring continent with blood, during the ambitious reign of Louis XIV. made Surgery of greater importance to the public than ever. The increase of anatomical knowledge rendered its operations more sure, more exact, and more successful. It rose, as it deserved, in general esteem; and as Paris was considered the principal source of those improvements which were every where visible, and every where beneficial; the demonstrations in the *Jardin Royal* were crowded with pupils from all parts of Europe; and in the year 1724, five public professors of the Theory and Practice of Surgery were appointed.

In no countries were the improvements alluded to (which it would require an ample volume to detail) more noticed and encouraged, than in Germany and Holland, where distinct professorships were appointed in the Universities, to teach this most ancient and useful branch of the healing art. The ardour and success with which anatomy was cultivated in the Dutch Provinces, together with the distinguished eminence of their engravers, enabled *them* in particular to avail themselves of the discoveries which were made, and to diffuse much
useful

useful and important information. About this period also, the celebrated Heister, who was Professor of Surgery, first in the University of Altorf, and afterwards in that of Helmstadt, rendered an important service to his brethren and to mankind, by publishing his system of Surgery. In compiling this able work, he carefully collected and arranged the observations of others, in his own and former times; and added to them whatever an excellent understanding, and a large field of experience, had suggested to himself.

The part which England had borne in the troubles of the continent, and the disturbed state of her own internal affairs, produced too much occasion for the more frequent employment of Surgeons in this country: Their number therefore was increased, and a few attained to considerable eminence, among whom Mr. Cheselden deserves principally to be mentioned. To him we are indebted for a considerable improvement in several capital operations; and for instructing our instrument makers in an art, which has now attained to great perfection; the most important instruments being imported from France before his time.

Still however many circumstances existed which rendered it almost impossible for the Surgeons in England to keep pace with their brethren in France. There were at that time but two hospitals in London

don* for the sick and lame; and the governors of these entirely refused to allow the education of pupils in one, and would but admit nine at a time in the other. The rulers of the united company, a majority of them being Barbers, strenuously maintained the bye-law† which subjected every member who dissected a body out of the hall, without their permission, to a penalty of ten pounds; and rigorously prosecuted all who disobeyed it. The members were amenable to the power of the Spiritual Courts; they were liable to many heavy charges, often amounting to more than an hundred pounds, before they had served all the offices of the company‡; the privileges they enjoyed depending principally on charters which had not yet been ratified by Parliament, were often called in question, and found insufficient to screen them from several troublesome and expensive offices in Westminster hall§; and, added to all this, the Physicians and Surgeons were perpetually quarrelling, about
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* St. Bartholomew's and St. Thomas's.—Guy's was founded in the year 1722.—St. George's about 1733.—The London Hospital in 1740,—and the Middlesex in 1755.

† Vid. page 32.

‡ Almost all of these were abolished when the companies separated.

§ Gataker's *Le Dran*, p. 470.—Arnaud, *Mem. de la Chirurgie*, p. 821.

the right of the latter to administer internal remedies to their patients*.

None

* A vast number of pamphlets were published in this dispute, which had found its way into Scotland, and occasioned the following clauses to be inserted in the Charter granted by William and Mary to the Surgcons there, July 17, 1695.

“ Atque similiter, quum in memoriā revocamus in literis illis patentibus, a serenissimo Rege Carolo Secundo, beatissimæ memoriæ, concessis, quibus Medici Edinburgenses in Collegium eriguntur, Chirurgorum et Chirurgorum-Pharmacopæorum Edinburgensium privilegia facta et testata seu integra, et indemnities Chirurgis ibidem reservantur et præstantur; atque cautum est, et declaratum, quod non obstantibus prædictis literis patentibus, prædictos Chirurcos et Chirurcos-Pharmacopæos solos et omnino potestatem Edinburgi habere *curandi omnium vulnerum genera, collisiones ossium, fracturas et dislocationes, contusiones, tumores, ulcera et similia*, ET OMNIA ACCIDENTIA AB ILLIS ORTA, *quæ solius Chirurgiæ operationum sunt subiecta*: at morbos omnes internæ originis medicis solis committendi sunt (exceptis ut supra excipitur.)

“ Atque si quæ inter Medicos et Chirurcos-Pharmacopæos lis aut controversia de hisce rebus oriatur; ratum esse et judicatum volumus, prædictum Medicorum Collegium nullum haberi potestatem erogandi mulctarum in Chirurcos aut Chirurcos-Pharmacopæos qui cives Edinburgenses sunt, sine consensu præfecti vel prætoris alicujus ejus urbis; et in casu absentiæ vel detractionis eorum, ad statos nostri Concilii Dominos appellationem utriusque fieri volumus.

“ Nosque intelligentes prædictas literas patentes ita cautè conceptas, in sensu et intentione ad effectum infra mentionatum, itaque nos volumus et declaramus, scientiam illarum literarum patentium, in favorem quorundam Medicorum

None of these obstacles now existed in France, except the last; and that was daily diminishing. The abilities of Petit, Duverney, Garengot, Felix, Mery, Le Dran, and others, made their way through all opposition, and supported the profession in its true character; and the interest of La Peyronie, Mareschal, and La Martiniere, procured it a liberal patronage from the throne, which at length issued in the establishment of the Royal Academy of Surgery at Paris, by Louis XV. in 1731.

The labours of this famous Society need no encomium: They are before the public in five quarto volumes, replete with proofs of the ability of their authors.

Nevertheless much was left to be done; and it may be questioned whether the labours of Mr. Pott

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alone

Medicorum Edinburgensium, conceptarum, curam *morborum omnium ab origine internorum*, AD SOLOS MEDICOS *privatim pertinere*; at vero, *morbos omnes et languores ab externa causa provenientes*, ET EORUM ACCIDENTIA, SIVE MEDICAMENTIS INTERNE MINISTRATIS SIVE EXTERNE APPLICATIS CURENTUR, *proprium esse et verum Chyrurgorum operationum subjecta*, et ad Chyrurgos, et Chyrurgos-Pharmacopæos, *tanquam negotii sui et artis PARTES NECESSARIAS ET NATURALES propriè pertinere*. Et volumus et definimus hos veros, rectos et fixos, inter utramque artem futuros perpetuo limites; et ut omnes judices nostri atque subditi, hæc in commodum Chyrurgorum et Chyrurgorum-Pharmacopæorum CUM OMNI FAVORE, TANQUAM ADMITTI POTEST interpretentur”

alone did not afterwards produce a more real, and a more perfect change in the practice of Surgery here, than the united efforts of the French academicians.

Be this as it may—The institution of this Academy was accompanied with several circumstances, which very much favoured the execution of its original design. An edict was issued in the year 1743, dissolving the connection which had subsisted ever since 1655*, between the Surgeons of St. Côme, and the Barber-Surgeons, and decreeing that the employment of the latter should entirely cease with the lives of those who then actually professed it. It was further ordained that no person should be admitted by the College of St. Côme (which still retained the power of examining and licensing practitioners) who had not previously graduated as Master of Arts.

I cannot quit this part of my subject, without noticing the wisdom of the French Court, in keeping the civil capacity of the College of St. Côme distinct from the literary capacity of the Academy; although, when the definitive regulations of the latter were settled, all the members of the one were considered as nominal members of the other†.

I mention

* They were incorporated together at that period by Louis XIV.

† Only seventy had any share in the management of the institution.

I mention this the rather, because it has been considered as a capital defect in the bill which has given occasion to this pamphlet, that there was no provision contained in it, obliging the members of the company to assemble as a literary body, for the communication of their respective observations: For not to mention that there are already several Societies of Physicians and Surgeons formed for this express purpose; the end to be answered by such an association must be entirely distinct from that, on account of which the company is incorporated. The Surgeons Company is primarily and essentially a civil institution; appointed to protect the public from ignorant and unqualified practitioners; and therefore empowered to examine all who profess to be Surgeons, and to admit those who are found of competent abilities to the enjoyment of certain privileges, allowed them by the State. The other would be a private society, possessing no civil capacity, constructed on different principles, and requiring regulations of a very different kind. It might be eligible, for aught I know, that the company should contain both these institutions within itself; but as they would by necessity of nature, be really different, they ought to be kept formally distinct.*

H 2

But

* It would be a curious, and very useful undertaking, to investigate the principles of organization in small societies: A subject certainly worthy of enquiry; but hitherto very little understood, or even considered.

But to return from this digression.—Surgery was now rapidly improving in England. Anatomy was taught in several parts of the City of London by professors of considerable ability. Several new hospitals had been erected, and in all of them the education of pupils was admitted. The good effects of these charitable institutions were every where visible, by the striking recoveries of patients who were sent up to them from all parts of the country, in cases formerly considered as almost certainly fatal. The public mind was therefore disposed to think favourably of an art, by the perfection of which every one might look for relief, under a large and afflicting portion of the sufferings common to humanity.

These circumstances, together with the rank the French Surgeons had obtained, could not but increase the desire of those in London to break off their connection with the Barbers, which was now become more irksome and degrading than ever. The right to freedom of the city by birth* had introduced men of all employments into the company—not only Barbers, but Bagnio-keepers, Drapers, Carpenters—

“ Black Spirits and White,
“ Blue Spirits and Grey.”

Added

* This right belonged to the children of the Barbers : But the Surgeons were admitted by examination *only*.

Added to all this, the number of Surgeons in the livery was but one hundred and fourteen, while that of the Barbers was three times as great.

The separation was therefore determined on. An application was made to Parliament in the eighteenth year of his late Majesty King George II. (A.D. 1745) and an act was passed, making them two distinct corporations, and confirming to the Surgeons all the privileges allowed in the Royal Charters given to the united company, so far as they related to Surgery only.

The Hall, and all the property, except the amount of two legacies for Anatomical Lectures, which will hereafter be noticed, were left in possession of the Barbers, who would consent to the separation on no other terms. They even kept the anatomical preparations, and some excellent paintings of the muscles, as proofs of the dignity of their origin. The former, I understand, are now disposed of, or destroyed; and the theatre which contained them has been pulled down: The latter still remain.

The government of the Surgeons Company, and the management of all their affairs, were vested in the Court of Assistants, who were to be twenty-one in number, ten of whom were to be Examiners, and each to hold their respective offices for life.

They

They were to elect members out of the company at large to fill up vacancies in their own number, and persons from among themselves to fill vacancies in the Court of Examiners. They were also to choose annually one principal Master or Governor, and two other Governors or Wardens; and nine members of the Court of Assistants, with two of the Governors, formed a quorum for the transaction of business.

One of the first things to which the Court of Assistants applied themselves after the passing of this act, was the formation of new bye-laws; in doing which they paid an especial regard to the relief of the younger members, by abolishing many expensive offices, and lessening the admission fees: So that the freedom of the company, with all its privileges, was shortly to be obtained with less than one quarter of the expence it had formerly cost. No restraint was laid on any of the members to prohibit them from taking those steps by which they could either gain or communicate information; and a general spirit of exertion presently diffused itself, which soon enabled the Surgeons of London to rival their brethren on the continent*.

Those who were appointed to attend the different hospitals which had been established, not only attained from their situation a considerable degree of publicity, which is always a spur to active minds, but

* Gataker, ut supra.

but were put in possession of an extensive field of observation and experience. This enabled them to bring received opinions to the test on a large scale; to correct many errors which had long prevailed, and especially to improve the method of operating, which had hitherto been very unscientific, and encumbered with awkward and unnecessary instruments. Among the names of those to whom England is most indebted for a successful application of their talents to this important service, that of Mr. Samuel Sharp, a pupil of Mr. Cheselden, and formerly Surgeon to Guy's Hospital, deserves a distinguished place. To very acute talents for observation, he joined the art of appreciating with accuracy and fairness the opinions of others; and was the first Englishman who published a complete and methodical account of the operations of Surgery, in its improved state.

Such is the pain, and often the danger, attending some of these operations, that ability and presence of mind to perform them well, is an acquisition of great value; and was peculiarly so at that time, when they were only beginning to be conducted on the true principles of science, and to be directed by a knowledge of the structure and œconomy of the human frame. But this acquisition, important and splendid as it may be, is far from being all that is necessary for a Surgeon:—To investigate the nature of those diseases in which operations are needful, and to distinguish them

them from those which are conquerable by more gentle means; to ascertain the moment when the knife should be employed, and to determine under what circumstances, and with what medical treatment it may be used to the greatest advantage; to know precisely in what the operation itself should consist, what should be attempted before it, and what ought to follow after; this is the Surgeon's longest, and his hardest task.

To animate his brethren in this important duty, and to set an example of it worthy their imitation, was the great and successful endeavour of the late Mr. Pott. Born with a mind penetrating, strong, and comprehensive, conceiving in very early life a predominant attachment to his profession, sparing no pains to become intimately acquainted with the principles on which it is built, and to avail himself of the observations, of those who had studied it before him; he was enabled to mark with precision what passed under his own eye, and to reason with accuracy from cause to effect: Hence his judgment became prompt, because it was informed: and firm, because it was clear.

Mr. Pott therefore was eminently fitted to improve and to adorn the Science of Surgery. Not by the hasty spirit of a daring and conceited innovator; but by an habit of patient attention to the operations of nature, and a careful deduction of
her

her laws from thence: This stamped intrinsic value on all his writings; and enabled him to introduce a more rational and successful practice in many difficult cases.

Cotemporary with Mr. Pott were many in England, who have done honour to their profession and to their country; and the benefit of whose labours is still descending to thousands, that know little of the source from whence it is derived*. The names of Sir Cæsar Hawkins and Mr. Bromfeild are still in remembrance, and will go down with honour to posterity†.

I

It

* “ L’Anatomie que l’on étudie depuis quelque temps “ avec tant de soin” (says M. de Fontenelle, among many other excellent remarks, in his preface on the Labours of the Academy of Sciences) “ n’a pû devenir plus exacte, “ sans rendre la Chirurgie beaucoup plus sûre dans ses “ operations. Les Chirurgiens la savent, mais ceux qui “ profitent de leur art n’en savent rien. Et comment le “ fauroient-ils? Il faudroit qu’ils comparassent l’an- “ cienne Chirurgie avec la moderne. Ce seroit une “ grande étude, et qui ne leur convient pas. L’operation a “ réussi; c’en est assés; il n’importe gueres de savoir si “ dans une autre siècle elle auroit réussi de même—— “ le public ne jouit du succès qu’elle a eu, qu’avec une “ espece d’ingratitude.”

Eloges des Acad. Tom. I.

† To Sir Cæsar Hawkins we owe the invention of the Cutting Gorget, by which the operation of Lithotomy has been rendered far less hazardous and painful; and at the same time much more easy to be performed.

It would be unjust in this place, to omit paying a tribute of respect to the extraordinary merit, and indefatigable exertions, of the late Mr. Hunter. Not only have the discoveries made by his brother and himself in Anatomy and Physiology, thrown light on almost every part of the animal œconomy ; but his careful investigation of those alterations in structure, which take place in parts under the influence of disease, has been of essential advantage both to the theory and practice of Surgery.

But while a few names are mentioned here (and a few only can be mentioned in so short a sketch) let me not be thought insensible to the merits of others who are not particularly specified. Many contributions have been made to the treasury of Chirurgical knowledge, from many different quarters, or it had never contained that ample supply of relief which it now affords. “ *Sacrum scientiæ flumen,*” says an able and elegant writer*, “ *quod nunc mirum et pene immensum contemplamur et veneramur, ex parvo et ignoto fonte derivatum, labitur atque labetur per omne ævum: primò exiguus rivus, incrementis quæ plurima, quamvis lenta accipit, crescit paulatim in amplissimum amnem, confluentibus nimirum undique innumeris rivulis, quorum singuli cum tanta mole comparati,*”
“ *nihil*

* Gregory, *Conspect. Med. Theor.* Tom. I. in pref. p. 60, 61.

“ nihil fere ad ejus magnitudinem conferre videntur ;
 “ omnes vero, omnibus congestis aquis, flumen
 “ tandem efficiunt, quale jam spectamus, vastum,
 “ amœnum, felicia quæ præterfluit arva irrigans
 “ atque fœcundans.”

It should be remembered that the benefit of those improvements in Surgery which have been made in this country, are by no means confined within our own borders. They have extended to foreign climes, and have attracted pupils hither from all parts of Europe : And what is of more importance for an English Legislature to consider, is, that they have reached the sister kingdom, and all the immense colonies of this extensive empire. In all of these are to be found crowds of sufferers, from the casualties of life and the ravages of war, receiving solace, relief, and restoration, through the assistance of men, who owe their ability to impart these blessings, to the labours, the instructions, and the example, of the Surgeons of London.

Who would have thought that England, the center of this favoured kingdom, where Surgery has been cultivated with such eminent advantage to mankind, should have been marked out as the precise spot, where its professors must be held up to mockery and derision ?

Are the talents, the learning, the characters, of those great and able men who have just been enumerated

merated, so soon forgotten?—Have they toiled so hard to extend health and ease to the beds of affliction, that after all, while their ashes are yet scarce cold in their graves, the art they have honoured, enriched, and ennobled, should be treated with scorn, where it looked for protection?—

But it is past—It cannot be recalled—Surely it will not be repeated.

It is worthy of remark that the societies of Surgeons in Edinburgh and Dublin have both been incorporated as Colleges without any hesitation; and that the latter in particular has received, (as it certainly well deserved to receive) a liberal supply of money from government to carry its purposes into effect; while the society in London, the parent of them both, and older by more than three centuries than the latter, has hitherto been confounded with trading companies, and unable to confer any degree of rank on its members, beyond that of ordinary artificers: And yet, without any assistance from government, nay chiefly by their exertions as private individuals, they have wholly reformed the practice of Surgery, and have been the instruments of as great, if not greater benefit to the public, than the members of any similar institution in Europe.

Their

Their having been passed over so long, cannot be a reason why they should still be neglected. They hope they have deserved the rank they solicit, before they they ask for it; and do not request it merely as an inducement to future exertions. It is of greatest moment however in this latter view*: For in order to keep up the vigour and perfection of any science, it must be permitted to hold out the usual encouragements for men of talents and property to devote themselves to it. These encouragements are rank and fortune. The latter is given by the public, to such as are honoured with its confidence; but the former can only be given by the higher orders of the State, for they only have it to bestow.

The

* This is not an assertion upon mere theory. It is decided by experience.—The advancement of Surgery in Scotland, since the foundation of the College in Edinburgh is well known. But there were many favourable circumstances to concur with it. It is more striking in Dublin, where every thing was begun *de novo*, and where, it appears to me, the form of the institution is far more perfect.—“ Since we have been formed into a “ College” (says a Surgeon of the first rank and eminence in that city, in a letter to me lately) “ our profession has “ improved most rapidly.—PREVIOUS TO THE YEAR “ 1780, it was not held in much estimation; nor, to speak “ truly and fairly, did it deserve it: NOW I may truly “ venture to assert, that in every branch of our profession “ we are not inferior to our neighbours.”

If further proof is wanting, let any judicious and impartial person read the Memoirs of the Royal Academy of Surgery at Paris, and by them decide whether I have over-rated this part of the argument.

The appeal from the members of a learned profession to the public for pecuniary recompense, can only be made by such acts as are the result of the learning and ability they possess ; and which, when they have been once performed, may often be imitated by others who are destitute of the primary qualifications. It is only a very small part of the mass of mankind who are able to look beyond the mere outward act ; if *that* be performed, it is enough for them. Hence an ignorant empiric sometimes gains as much of their confidence as a man of sound information ; and an accidental cure strikes their minds as forcibly, and often more so, than one conducted on the true principles of science ; even where nothing but the true principles of science could avail.

But the appeal from a learned profession to the Legislature for suitable rank, goes on a very different principle. It is an appeal *from* men of learning, *to* men of learning—who need not to be informed by what preparatory exercises the mind is to be formed for the investigation of a particular science ; who know from experience the gradations of knowledge by which they have been qualified for their own high station, and can judge of those by which others must be fitted for a profession equally difficult, though of less figure on the theatre of the world. The public see the motions of the hand ; but the Legislature will see the springs
which

which move it, and the combination of powers which regulates their effect.

The influence of rank, whether civil or professional, on the mind, is not to be disputed. It has indeed been said, that *rank and title are mere names*——But they are the names of things. They may be misapplied, or unworthily bestowed—but they are good in themselves; and he is an enemy to society, whose weakness or wickedness would impel him to abolish them.

But if the Surgeons of London are to be denied this rank, already bestowed on their junior brethren; at least let the vitality of their company, which has not been lost by misconduct, but by misfortune, or rather by the disposals of Providence—at least let this be restored them: Let not the public, in these days, when instruction waits in every street—let not the public be again exposed to the unresisted inroads of ignorant and unprincipled pretenders.

The calamities which it is the office of Surgery to relieve, are among the most painful and distressing to which human nature is liable. It includes the whole class of external diseases, and all those effects of internal ones, which require manual operation. And however loathsome or disgusting some of these may appear, let it be remembered they
are

are common to all mankind : to the high, and to the low ; to the rich, and to the poor ; to the feeble, the strong, and the proud. The patronage of Surgery, therefore, is a common cause—It is that in which every individual is personally interested : For on its perfection or decay, the enjoyment, the prolongation, or the loss of his life, may depend.

I know very well there is a propensity in all men to aggrandize their own profession—It is a natural infirmity. But this will surely be allowed—that whatever can call into action the best and brightest faculties of the human mind, without debasing its moral worth—that profession, be it whatever it may, demands the respect, and the recompense of society.

Whether or not Surgery will abide this test, it needs only common sense to determine.

If, as has just been observed, Surgery includes the treatment of external diseases, and such effects of internal ones, as require manual operation, it is easy to perceive that it is built exactly on the same foundation, and requires the same degree of knowledge, as Physic ; of which it is unquestionably the most ancient and essential part. Indeed they were always blended in the practice of those famous men of old, several of whom were deified and adored by a people, ignorant, it is true, of religion,

gion, but very well acquainted with the policy of nations.

However the whole of Medicine was then in a very rude and imperfect state : Its sphere was narrow, and its effects were less evident. Now an important alteration has taken place, which has enlarged its sphere, and multiplied its effects, beyond all comparison. It is therefore become necessary that the two branches of it should be cultivated distinctly in a large metropolis, where the professors of each can be fully employed, and sufficiently rewarded : And it is from the separation of each that both have been improved.

Yet while they are separated in practice, they cannot be in *theory*. Here they are alike : They only differ somewhat in appearance and form ;

—————“ *Facies non omnibus una,
Non diversa tamen, qualem debet esse fororum.*”

But I will not, by any observations of mine, preclude the reader from the pleasure of perusing the following admirable and judicious remarks on this subject.

“ En envisageant avec la moindre attention
“ l’objet de ces deux arts” (La Médecine et la
Chirurgie) “ on voit qu’ils ne peuvent avoir qu’une
K . théorie

“ théorie commune. Les maladies externes qui
 “ font l’objet de la Chirurgie, font essentiellement
 “ les mêmes que les maladies internes qui font
 “ l’objet de la Médecine : Elles ne different en
 “ rien que par leur position. Ces objets ont la
 “ même importance, ils présentent les mêmes
 “ indications, et les mêmes moyens de curation.

“ Quoique la theorie de la Medicine et de la
 “ Chirurgie soit le même, et qu’elle ne soit que
 “ l’assemblage de toutes les regles et de tous les
 “ préceptes qui apprennent à guérir, il ne s’ensuit
 “ pas que le Médecin et le Chirurgien soient des
 “ êtres que l’on puisse, ou que l’on doive confondre.
 “ Un homme qu’on supposera pourvû de toutes
 “ les connoissances théoriques générales, mais en
 “ qui on ne supposera rien de plus, ne fera ni
 “ Chirurgien ni Médecin. Il faut pour former un
 “ Médecin, outre l’acquisition de la science qui
 “ apprend à guérir, l’habileté d’appliquer les
 “ regles de cette science aux maladies internes :
 “ De même si on veut faire un Chirurgien, il faut
 “ qu’il acquierre l’habitude, la facilité, l’habileté
 “ d’appliquer ces mêmes regles aux maladies ex-
 “ terieures.

“ La science ne donne pas cette habileté pour
 “ l’application des regles ; elle dicte simplement ces
 “ regles, et voilà tout. C’est par l’exercice qu’on
 “ apprend à les appliquer, et par l’exercice sous un
 “ maître

“ maître instruit dans la pratique. L'étude donne
 “ la science; mais on ne peut acquérir l'art ou l'ha-
 “ bitude de l'application des regles, qu'en voyant et
 “ revoyant les objets: c'est une habitude des sens
 “ qu'il faut acquérir; et ce n'est que par l'habitude
 “ de ces mêmes sens qu'elle peut être acquise.”*

I beg leave to add that while there are peculiarities belonging to the study of Physic, which make it in some respects superior to Surgery; there are also peculiarities belonging to Surgery, which make it in other respects superior to Physic.

A comparatively general knowledge of the anatomy of the human body may be sufficient for a Physician, (the Viscera excepted, which he must thoroughly and minutely understand.) The rest it will be enough for him to have seen repeatedly dissected. But the hands of the Surgeon must be constantly employed in this work: He ought to bear every part of this complicated machine, and all the relative situations of each, as accurately in his mind, as the painter or the sculptor should its outline, and general proportions. For he is often to wound, in order that he may heal; and to employ his knife on a living body, endued with acute sensation, generally under the influence of terror

K 2

and

* Encyclopédie, Tom. III. p. 351. Art. CHIRURGIE.
 (Edit. Genev. 1722)

and alarm, and where a small mistake may sometimes cost the patient his life.

Many of the discoveries and improvements in Physic have been owing to mere accident, which first taught men the virtue of drugs, and made those experiments for them, which otherwise they would hardly have thought of, or have had courage to attempt. But most of the improvements in Surgery, have originated in reasoning *a priori*, and from discoveries by anatomical investigation.

“Chirurgia quidem medicamenta atque viētūs
 “rationem non omittit,” (says Celsus) “sed manu
 “tamen plurimum præstat; ESTQUE EJUS EF-
 “FECTUS INTER OMNES MEDICINÆ PARTES
 “EVIDENTISSIMUS.”*

But I will pursue this distinction no further. Physic and Surgery have the same origin and the same end—The human body is the sphere of their exertions; and whatever composes it, whatever can affect it, in matter, vitality, or mind, is the object of their researches.

Here I might lay down my pen, confident of the success of a second application to Parliament, were it

* De Medicinâ, Lib. VII. in præfat.

it not for one unpleasing circumstance, which it is now of importance to consider.

When the Court of Assistants of the Surgeons Company determined on an application to Parliament, not merely for a renovation of their powers, but also to be erected into a College, one considerable difficulty presented itself

It has been customary for Medical Colleges to consist of a very limited number of members, and to permit others to practise in the district over which they preside, under the denomination of Licentiates only. In this case the College is a little republic; all its members having votes, and being eligible to its offices in their turn. But as the term Licentiate implies somewhat of inferiority, or at least is generally felt as doing so, it seemed improper to admit it into the proposed College of Surgeons here.

The number of the Company's members had become very considerable indeed, amounting to more than sixteen hundred, including those resident beyond the bills of mortality. But as the government had always been vested in the Court of Assistants, no confusion had arisen from this circumstance. The members however were all equally permitted to practise, and entitled to the same immunities; and proper persons were selected from
among

among them, to fill up vacancies in the Court of Assistants, when they happened to occur.

As they had all hitherto been equal in privileges, and excepting the municipal distinctions of the Court, equal also in rank, it would have appeared very hard and unjust to make an invidious distinction between them now, and would have afforded reasonable ground for complaint: It was therefore resolved, as the fairest, most honourable, and unexceptionable plan, to beg of Parliament, that *all* the members of the Company should be considered as members of the College; but that the government of it, might be continued on the same plan exactly, as it had been before. Nobody could then be aggrieved; for the alteration would make no difference to any single individual, except denominating him the member of a College, instead of the member of a Company*.

Yet, strange to tell, this very circumstance has occasioned the most violent and illiberal abuse to be poured upon the Court of Assistants, from those very members, whose peace and respectability were thus honourably attempted to be preserved inviolate.

The

* Notwithstanding this, no idea has been more industriously propagated, nor more generally received, than that the principal intention of the bill was to degrade all the members of the company into the rank of *Licentiates*, the Court of Assistants only excepted.

The bill has been represented as “rivetting
 “ chains to bind and gall them and their posterity”—
 “ an iniquitous plan---luckily exposed in time to be
 “ defeated, which will not be suffered to disgrace
 “ the legislature---intended to convey arbitrary
 “ powers”---against which it is necessary “ to excite
 “ the indignation and resistance of every liberal
 “ mind”——The College proposed to be erected,
 has been called, “ A lucrative jobbing association---
 “ the proprietors and managers of which were to make
 “ their fortunes, by receiving bribes to secure the suc-
 “ cession into it---an oppressive and unjust mono-
 “ poly---a prostitution of names,” &c. &c. &c.*

Had all this been uttered in private conversation merely, it would not have been worth while to notice it from the press. But as it has been repeatedly circulated in print; as it has been brought into Parliament, and occasioned the bill to be lost; and as it has been spread, with the most glaring exaggerations all over the kingdom,—justice, honour, and decency require, that a proper answer should be given.

In

* All these expressions are taken from a letter which was first circulated with the signature of A. B. but afterwards reprinted, and sent round to the members of the House of Peers, signed by the Chairman of the Committee for conducting the opposition: A gentleman, whom I am persuaded, in his private capacity, and not heated by controversy, would have loathed to set his name to such a performance.

In attempting this, however, I will not repeat the expressions above quoted, nor extract others, equally exceptionable, from the different papers which have been distributed; but simply confine myself to the sum of the arguments brought forward, and let the *terms* in which many of them were conveyed, sink into the oblivion they merit.

In the first place, very heavy charges have been brought against the Court of Assistants, for having presented a petition to Parliament for a new act, without first convening and consulting the members of the Corporation at large. The impropriety of this complaint, will, I think, be sufficiently evident, when it is considered that the act of the 18th of George II, had for very good and necessary reasons, as will presently be shown, vested the whole rule and management of all the affairs of the company, in the Court of Assistants, and in them only. Parliament, therefore, could know nothing of the company, or of the state it was in, but from the Court of Assistants. It had empowered them alone “to hold courts and assemblies, in order to treat
“and consult about and concerning the rule, order,
“STATE,” (an expression particularly applying to the late circumstances) “and government of the said
“company or corporation;” and also, “to make,
“ordain, &c. from time to time, such bye-laws, or-
“dinances,

“dinances, rules and *constitutions*, as to them shall
 “seem requisite, profitable, and convenient for its
 “regulation, government, and advantage.” Hence
 there is no instance on record in which the members
 at large had ever been convened on any business
 whatever, but the alteration of the quarterage, which
 the 31st bye-law had ordained, should never be in-
 creased beyond the rate of ten shillings per annum,
 without the consent of a majority of the whole court
 of the company

It is a great mistake to call the members at large,
 the *constituents* of the Court. On the contrary, the
 Court are, and the purposes for which they are in-
 corporated make it unavoidable that they should be,
 the constituents of the members. The court derive
 their authority, not from a popular election, but
 immediately from the legislative power. It is a
 trust committed to them for civil purposes, and
 every member who enters the company, receives all
 L the

* The members have only been convened *three times*
 since the separation from the Barbers. The first was
 July 3, 1746, when they were acquainted with the pro-
 ceedings of the Court in consequence of the separation,
 and invited to dine on a brace of Bucks, presented by
 his Majesty to the Court of Examiners.—The second
 was August 12, 1766, when the quarterage was increased
 to sixteen shillings per annum on the members in general,
 and one pound twelve shillings on each member of the
 Court of Assistants.—The last was November 4, 1784,
 when it was reduced to ten shillings, at which it has ever
 since continued.

the privileges to which he then becomes entitled, through their hands, as delegates from government, and accordingly takes an oath to obey them in all lawful things.

Moreover it was not to be supposed that any of the members, having taken that oath, and entered into the company under the constitution established by the old act, could have a reasonable objection to make against either of the proposed alterations.* None of them infringed in the smallest degree on their privileges, or gave the Court of Assistants the least additional power over them. The additional power had respect to none but future settlers between the distance of seven and ten miles round London. Indeed this could not be properly called an *additional* power; it was only an extension of the *same* power to *other objects*; and could not be an injury, but on the contrary, must be a benefit to the members of the company at large, as it tended more effectually to prevent unqualified persons from invading their privileges.

The necessity of a further exemption from the operation of the statute of Mortmain was sufficiently clear. It was proved in evidence before the House of Lords, that the certain and unavoidable expenditure of the company amounts to more than nine hundred

* Vide p. 5, 6.

hundred pounds per annum. Its income, however, is very uncertain; depending almost entirely on the fees paid by persons who receive the diploma. The quarterage of two shillings and sixpence, paid by the members resident within the metropolis and seven miles round it, brings in but about 160*l.* or 170*l.* per annum; and Mr. Gunning had proposed to Mr. Chandler, to move, if the bill had passed, that it might be entirely abolished. For if the Company were once at liberty to employ the surplus of their receipts toward realizing an income equal to their expences, a way would be open to free its members of all stated contributions, and in time, to lessen the amount of the fees that are paid on admission, and form several establishments for the advancement of science, which it would be improper to attempt till this object be attained. For without it, the Company might by so doing become again insolvent; its officers of course would be fettered and degraded in all their proceedings, and no institutions they could set on foot would have that prospect of perpetuity, without which it would hardly be desirable to establish them.

That clause in the act which appointed the Chirurgical Lectures to be given by the members of the council only, seems to have been very ill received; I apprehend, only because it has not been rightly understood. Let it be considered that the

lectures thus limited, were the Chirurgical Lectures *alone*. These were first instituted in the year 1790, on the suggestion of Mr. Gunning, and are confined, as he has expressed it, “ To those points “ which tend only to real practice, and the establishment of good principles,” deduced from experience and well arranged facts. It must surely be easy to perceive the necessity of appointing such lectures to be given by persons whose abilities are improved and matured by years and experience, and to take care they shall be given by *no others*. Lectures indeed on anatomy, and perhaps on physiology, and several other subjects, may be given as well, and in some instances better, by younger persons. Accordingly all such appointments were left open, that any member of competent abilities might be chosen from the body at large to fill them. But practical lectures are of too much importance, and demand habits of thinking too long and too firmly established, to be entrusted by a College to any but persons of considerable standing in the profession. In what way this point could have been better secured, or partiality to individuals more effectually prevented, than by the restriction contained in the act, I am at present unable to conceive.

The time when these Lectures were appointed to be given—between the fifteenth day of May and the thirteenth day of June in every year, has been objected

objected to as inconvenient and improper*. The reason for fixing this time, was, that they might immediately succeed the anatomical courses, which generally terminate early in May. The principal object in view was to furnish the army and navy Surgeons and their Mates with a body of sound practical instruction, free of expence, that there might be no plea in future for sending persons into those important services, who are not properly qualified†. But if they were given before the anatomical lectures are over, they could not be thoroughly

* Vid. "Observations on the Surgeons Bill," p. 4.

† How important it is that some regulation of this kind should be adopted, it can hardly be necessary for me to state. The deplorable ignorance and incompetence of many who have been employed as Surgeons Mates, in the naval, and in some of the military departments, has been often remarked; and is owing in great measure to there being no public means of instruction provided for them by Government. The public are, in my opinion, greatly indebted to the Governors of the Company for attempting to remedy a part of this defect. Hitherto the Court of Examiners have been very painfully circumstanced. The services must be supplied with assistance of some sort or other, and all they have been able to do, was to enquire into the abilities of such candidates as presented themselves, and to take care that those who were best qualified, should be preferred to the highest stations. And it is well known, that even with this lax system, the dearth of Hospital mates has been so great during the present war, that Government have been repeatedly obliged to advertise for them, and to offer very unusual salaries.

From this, and several other circumstances which might be named, arises the necessity of calling the naval and military Surgeons to a second examination, before they receive a diploma.

thoroughly understood; anatomical knowledge being an essential pre-requisite to improvement in Surgery. Still however, Anatomy is not Surgery—It was therefore thought necessary that attendance on these lectures, or on some others of a similar nature should be *required* of all who were sent into the army or navy, without any exception.—But if, on the one hand, they could not be attended gratis, it would be unjust to insist on this, for many could not afford to pay for them; and if they were to be given in any other order than that meant to be secured by this provision, they would be, comparatively, of very little use*.

But the most material objections to be considered, are those which have been made against the principle on which this bill, and also the act of the 18th of George II. were framed, and which are pointed against the constitution of the Company
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* The order in which the different branches of science should be attended to, seems very little regarded by the greater number of students who come up to town for instruction. It is however one of the most important considerations in medical education. How is the understanding of a pupil to keep pace with the reasoning of a lecturer, who discourses on the pathology of a disease, or the best method of performing an operation, unless he be previously acquainted with the structure, relative situation, and functions of those parts, to which the teacher refers?—Indeed, whatever be the subject of enquiry, it will always be found that ORDER is the clue of knowledge.

in toto. To commit the whole management of the Company's concerns to twenty-one persons, appears to some Gentlemen to partake too much of that aristocracy, which has been of late so successfully blown up with revolutionary gunpowder in several parts of Europe. To exorcise this frightful fiend from "the affairs of this extensive and increasing corporation," various expedients have been suggested. Expedients indeed so various, that it is plain the subject had been very imperfectly considered by the parties who brought them forward.

One was, to make the officers of the Company annually elective; and then every body would have a chance of getting in some time or other.

The annual election of the President and Council of the Royal Society furnished a pretext for this proposal. But the case is not parallel. The Royal Society is a literary body merely, having no civil duty to discharge; but the Surgeons Company is, as has been already observed, primarily and essentially a civil institution; composed indeed of persons who are, or ought to be, literary men; but a civil institution notwithstanding—in which nothing can be of greater importance, than that those who are entrusted with the governing power, should be persons of tried ability and INDEPENDENCE.

But

But to adopt this alteration would produce a dependence of the most odious kind. It would be making the old dependent on the young—the experienced on the inexperienced. We should then have our heads on the ground, and our feet up in the air, *tout nouveau*.

Another plan was to let the present twenty-one remain as they are, but to unite with them twenty-one more, chosen by the body at large, one third of whom should go out annually, and others be elected in their stead. This reminds one of Julius Scaliger's division of all things into the *Res permanentes*, and the *Res fluentes*. But this device, pregnant with discord and confusion, met with little acceptance.

The last (I think it was the last) was to leave the present twenty-one as they are, but to constitute an intermediate body of one hundred, either chosen by the rest, or being the senior members, to whom all resolutions relating to pecuniary, and some other affairs, should be referred for confirmation before they were carried into effect.

But that any person, who properly understands the nature of the institution, can seriously contend for the necessity or propriety of such an alteration, is almost inconceivable. I am fully persuaded if the noble and very learned peer, who coincided
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with something like the latter plan, would condescend to re-consider the subject, he could not fail of being struck with its gross impropriety.

What can a governing body direct or do in any society, if they are not to be entrusted with the management of its funds? They must be fettered at every step. It was very judiciously observed (I think by Lord Loughborough) in the late debate, that to refuse them this, would be like telling a man he is at liberty to do whatever he thinks proper, while at the same time you are tying his hands. The Court of Assistants, or Council, or whatever they are to be called, never were, nor ever desired to be, invested with power to employ the money entrusted to them, for any other than those public purposes, for which they were originally appointed. The question is—Who should judge what is necessary for those purposes? The Council themselves, who are constantly in the habit of fulfilling them, or a larger and more promiscuous body? Surely if twenty-one persons of liberal education, who by their talents and years have at length arrived at the head of a learned profession, who are acquainted with the nature of public business, and for the most part independent in their circumstances, are not to be trusted with the management of an expenditure amounting to about a thousand pounds a year, we must be in a desperate

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case indeed, and not likely to be remedied by appealing to a larger multitude, born, in all probability, with the same infirmities as their progenitors and cotemporaries*.

But after all, what is the property of the Corporation? Is it the common stock of a benefit-club, or a trading company?—Certainly not—It is rather the revenue of a civil department which supports itself. This revenue, it is true, is collected from those who are admitted to practise Surgery; because they are the only persons who reap any pecuniary advantages from that permission, and Government have not thought it right to burden the public, in order to exonerate them of the expences attending their own privileges. I can hardly believe a single member of the Company to have been so inadvertent or mis-informed when he paid his admittance money, as to expect he should ever have any further power or controul over it. He paid it, after his qualifications had been ascertained by examination, as the price of a diploma, or legal testimonial of his abilities, in right of which he has the privilege of practising Surgery in any part of his Majesty's dominions, and is exempted, as long as he so practises, “from all parish
“ward,

* It may be proper to remark in this place, that the controul of the expenditure and bye-laws, is not placed in the Court of Examiners, but in that of the Assistants, a majority of whom are not Examiners.

“ward, and leet offices, and from being put into, or
 “serving upon, any jury or inquest.” The money
 paid for this diploma therefore ceases to be his, in
 every sense of the word, as soon as he has paid it;
 and becomes a part of that revenue by which the
 institution is supported, from whence he derives
 his grant.

The great plea for the necessity of an alteration
 in the constitution of the Company has been
 founded on a very able statement, or review, of
 their affairs, which was drawn up and read to the
 Court of Assistants by Mr. Gunning, when he
 quitted the office of Master in July 1790. In this
 statement several instances of neglect and mis-
 management were pointed out, and regulations pro-
 posed for preventing them in future. But as it was
 addressed to the Court of Assistants only, without
 the most distant idea of being ever made public,
 the errors which had been committed were simply
 detailed, without being traced to their original
 causes. Had this been the object in view, several
 circumstances would have been adduced to account
 for them, and to exculpate the Governors from
 a part of the blame they may appear to have
 deserved.

The mismanagements alluded to, as far as they
 can respect the present subject, are reducible to
 three heads—Inattention to their minutes and

accounts—neglect in the conduct of their lectures—and unnecessary expences.

With regard to the *first* head, the principal faults will be found to have arisen from informality in the arrangement of business; a fruitful source of error and perplexity. It is very properly observed by a sensible writer, “ Les dehors et la
“ forme demandent les premiers soins, dans les
“ etablissemens mêmes qu’on fait pour les progrès
“ des sciences.” But we must acquit the Governors of the Company of much apparent neglect on this article, if we consider the circumstances under which they began to exercise their functions.

When they were first separated in the year 1745, from the Barbers Company, (where many unpropitious customs had long prevailed) they lay under almost every disadvantage it is possible to conceive. They found themselves with a public duty to discharge, and were to hold courts and assemblies for that purpose; but they had neither a place to meet in, nor property to purchase one: For the hall, the lands, and the whole stock of the joint Company, except two specific sums which will presently be mentioned*, were given up to the Barbers, who, as is before observed, would consent
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* Arris and Gale’s legacies.

to the separation on no other terms. In this state Government gave them no assistance*; they had no endowments to support them; they were therefore obliged to borrow £4000 on bonds, to erect a Hall, and thus became encumbered with a heavy debt, that was not liquidated till the end of the year 1784. All this time the current expences were to be discharged in their course, and in the year 1780, the clerk (Cruttenden) of whose integrity no suspicion had ever been entertained, (but who had been imprudently confided in) went off with eight or nine hundred pounds of their money.

In this long, unsettled, encumbered state of things, which lasted near *forty years*, it is no wonder irregularities crept into the management of their minutes and accounts, which at length became habitual. It is with public bodies as it is with individuals: An embarrassed state of their finances often produces a degree of perplexity and concern about the present exigency, that renders cool and deliberate arrangement for the future least practicable when it is most needed. However it must be remembered the embarrassments of the Company did not originate in their irregularities, their irregularities arose from their embarrassments, and those embarrassments were unavoidable. It is much easier to find out errors after they have been committed

* Indeed it does not appear they ever asked for any; and their neglecting to do so was perhaps as blameable as any thing that has since been imputed to them.

mitted than it is to foresee them at first; for it is often by their effects only that we discover them to be errors.

This insolvent state of their affairs was, no doubt, one principal occasion of the careless and desultory manner in which the anatomical lectures were conducted; as it prevented them from making their hall a regular school of anatomy, which they might otherwise have done, when the separation first took place.

Some lectures they were obliged to read. Five hundred guineas were given by Sir Edward Arris, at the latter part of the last century, "for the use of the public anatomy lectures on the muscles;" and an annuity of sixteen pounds was bequeathed by Mr. John Gale, about the same time, "for one anatomy lecture to be given annually, by the name of Gale's anatomy,"—making in the whole a provision of 4*l.* 10*s.* per annum.* But this being all that could then be appropriated to that purpose, and as they were without a suitable collection of anatomical preparations, they made no attempt to enlarge their plan at that time, and soon afterward it was evidently too late. Several private schools had been established, which acquired and deserved great
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* These are the only donations which have ever been given to the Company.

reputation. In these, not only the whole structure of the human body was explained, but the arts of dissecting and making anatomical preparations were taught, and attracted a great number of pupils. The teachers were enabled to form very large and interesting collections, which both made their lectures more inviting, and increased their own repute with the public. Others were therefore roused to follow the same example, and met with a good share of success. Meanwhile the lectures at the hall fell, of course, into neglect, were ill-attended, and at length seemed hardly worth attending to, either by the Company, or the public.

That they have not more regularly given *Chirurgical* lectures is an omission for which there is no sufficient excuse. Several of the members have indeed, at different periods, read lectures of this description; particularly Mr. Pott and Mr. Hunter; so that no chasm in the system of education has been the consequence of this neglect: But a neglect it is, and no proof can be given of the wish of the *present Governors* to atone for it, more convincing, than their having solicited that a course of such lectures might be required by the proposed Act of Parliament, and thus made a condition of the College's existence.

As to the unnecessary expences, there is only one article which can be justly complained of—namely, the dinners, which it must be confessed had
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been made a great deal too costly, *between the year 1784, and the time when Mr. Gunning's statement was drawn up.** But of the £170 there said to be saved in this article in one year, it must be recollected £80. were by abolishing *the annual dinner of the whole Company*, which cost the fund that sum, in addition to what was paid for the tickets. So that there were, at that time, private members who could sympathize with the governors in these extravagancies.

However they have been long since retrenched, and are not very likely to be repeated.

The Court have been accused of increasing their own fees.—The only alteration that has taken place in this respect, is, making the allowance to each member of the Court of *Assistants*,† who is present punctually at the time appointed for meeting, half a guinea, instead of half a crown, which was the fee at Barber's Hall. But as these meetings are only held four times in the year, unless some extraordinary occasion occurs, and as each member of this Court pays an additional sum of twenty pounds to the general fund, on accepting his office,

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* And only during that period.

† The fees of the *Examiners* have never been changed.

the Company is not likely to be much impoverished by what is afterwards given for their services.

I will just say one word here, respecting the purchase of Mr. Baldwin's House, in Lincoln's-Inn-Fields, which has been called extravagant, improvident, inconvenient, and so forth. The motives for removing from the Old Bailey have already been stated*: How far the choice of this house was advisable or not, let the following considerations determine.

The fee simple of these premises was bought for £5500. But in order to ascertain the real expence (I ought to say the real saving) to the Company, or rather to that revenue of which the Company's Court of Assistants are the trustees, the following calculation must be made.

The hall and premises were held at an		
annual expence, for ground-rent and		
taxes, of	-	£ 240
Taxes of Mr. Baldwin's house,	-	80
		<hr/>
The annual saving in this article therefore, is		£ 160
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Take

Take this at only twenty years purchase,	
the amount is	£ 3200
Estimate of repairs wanted at the old hall,	2000
Price at which it sold,	2100
	<hr/>
	£ 7300

Mr. Baldwin's house cost	£ 5500
Alterations necessary for a Library,	
Theatre, &c. including a convenience near the Old Bailey,	
for the dissection of executed felons,	800
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	£ 6300
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Money saved—	£ 1000
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And the estate a freehold, instead of a leasehold.

In one respect only could this removal be considered as unfortunate—namely, in having given offence to some very respectable gentlemen in the neighbourhood, who objected to dissection being carried on so near them. In order to obviate this difficulty, a clause was added to the act, ordering a receptacle to be built near the place of execution, for that purpose.

In order that the particulars detailed in Mr. Gunning's statement might be made to appear in
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a more unfavourable light; the opponents of the bill have carefully cast up and exhibited the whole amount of the sums received by the Company and its Officers, while that of the expenditure has been kept out of sight, except only in those articles which might furnish matter for detraction, and ungenerous comment. I pass over those estimates which were repeatedly circulated, but have been proved to be false*, and shall notice only those which are admitted to be true, but have not been fairly represented†.

It has been stated in the most formal manner, that since the act of the 18th of George II. the Court have received for diplomas, quarterages, &c. the sum of eighty thousand pounds; and that of this money the Examiners have taken sixteen thousand pounds for their own private use; though they pretend to have examined all persons offering themselves as candidates to be Surgeons or Surgeons Mates, in the Navy and Army, and in the service of the East India Company, without any recompence whatever‡.

It must be confessed that eighty thousand pounds, and sixteen thousand pounds, are very high sounding sums; and make an excellent figure

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* In the papers before quoted.

† Observations on the Surgeons Bill. p. 3. ‡ Ibid.

in a Philippic : But if instead of being viewed in the gross, they are taken in detail, it will give a more just idea to the reader.

These eighty thousand pounds are the aggregate receipt of fifty-two years—But let the current expences of the establishment be averaged at £900 per annum, which is the lowest they can be taken at, they will amount to £46800, and the account will stand nearly as follows;

Fifty-two years at £900,	-	-	£46800
Expence of erecting the old hall,	-	-	4000
Purchase of Mr. Baldwin's House,	-	-	5500
£10,000 stock in the 3 per Cents. bought			
at 75 on an average,	-	-	7500
Examiners' and Assistants' fees,	-	-	16000
			<hr/>
			£79800
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As to the £16000 which the Examiners and Assistants have received in fees, this also is the aggregate of the receipts during fifty-two years. The Examiners are always ten in number, and supposing *them* to have received it all, it would only amount, on an average, to £30-15s. and a fraction, yearly to each. At first it was rather less, now it is rather more, but rarely amounts to £50 in the course of any one year. For this they are obliged to attend from sixteen

teen to thirty times in the course of the year, and sit during the whole evening, let their other engagements be what they may. And when it is considered that this obligation lies, and always must lie, on gentlemen of the highest rank in the profession, this compensation can hardly be thought too much.

The manner in which the Examiners are paid, is this—Each Examiner who is present in the Committee Room by the time appointed for meeting, receives half a guinea of the money paid for each *diploma* that is granted that evening. If no diploma be granted, he receives one half guinea only for his attendance. For the examination of *Surgeons and Surgeons Mates for the Army and Navy, and the East India Company's service*, (of whom in time of war from thirty to forty are sometimes examined in an evening) *THEY receive nothing at all.*

But as it is necessary that those who receive permission to practice, should pay a quota of the expences by which the establishment is supported, through which they receive it, proportioned to the emolument they are likely to derive from that permission; it has been usual for those who receive the diploma, and settle in London, or
within

within seven miles thereof, to pay £27-10s.* Those who settle beyond seven miles pay only half that sum, but engage to pay the other half, if they should remove to within that distance. Army and Navy Surgeons, and those in the service of the East India Company, pay three guineas, and all mates one guinea, for that purpose. The examiners meet once a month in time of peace, and twice a month in time of war. If any person cannot wait the regular meeting of the Court, an extraordinary one is summoned, for which the person applying pays five guineas extra, which is divided among such of the Examiners as attend: but it is impossible this can happen often.

It must be acknowledged that this mode of paying the Examiners is somewhat exceptionable; although it is highly proper they should receive some compensation for their trouble, and loss of time. But it is not easy to say what method would be better. In the year 1790, a proposal was made by Mr. Gunning (then Master of the Company) to a noble Lord at that time in high office, for Government to allow a salary of four or five hundred pounds a year, to be divided between the members of the Court of Examiners.--- As they examined for the Army and Navy services,
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* And, except the quarterage, no additional contribution has ever been called for.

it was thought reasonable to make such a request, If this had been acceded to, the fees they receive would have been abolished. But his Lordship thought it better they should continue to pay themselves, as every allowance of this kind must come through Parliament. Soon after this the war commenced, and it was thought an improper time to urge the matter further.

What then is there, in all these things, that calls for any essential change in the principle of the institution?—Let it be remembered, that so far as mismanagements have been detected, the Court of Assistants have been their own accusers, by admitting the free examination of their books and proceedings. The whole pretence for accusation rests on their conduct of their own business, in which the complainers had no right to intermeddle. All the rest is surmise. For with regard to their conduct toward the Company at large, not a single abuse of power has hitherto been discovered; not one complaint has ever been exhibited.

Howbeit, Tyranny, Oppression, and Abuse, those portentous goblins which start from every bush and brake to terrify modern reformers by day, and haunt them like the night-mare in their slumbers, have not failed to employ their wizard spells on the present occasion: for though fifty-two
years

years have elapsed, in which they have not dared to shew their frightful faces among us ; the most alarming apprehensions are now entertained, lest they should at last jump up from the chasm in the Company, and grasp a whole army of Surgeons in their claws.

One of the Counsel against the bill thought he defcried these monsters peeping forth from that clause in the act, which subjected all who should practice or profess to practise Surgery, within ten miles of London, not having first obtained the licence of the College, to a penalty of ten pounds per month : His appalled imagination instantly beheld an amazing swarm, “ who minister comfort to the afflicted, *in various ways*,” Men-Surgeons and Women-Surgeons, Barber-Surgeons and Cobler-Surgeons, Surgeons who only understand some particular diseases, and Surgeons who understand no diseases at all, marked out as a sacrifice to this pestilent contrivance ! One would almost have imagined he had been retained as the express advocate of this empirical host. Surely, either the learned gentleman must have ventured a little—*ultra crepidam*, or his clients had been strangely forgetful, both of their own interest, and of the public good.

What manner of purpose could it answer for any body of men to be incorporated, unless the pri-

privileges attached to that incorporation are protected from invasion, by some kind of penalty? What inducement can there be for men of talents and liberal education to devote themselves to such a profession as Surgery, if the practitioners in it are amenable to no test of their abilities; and every impudent pretender, and every frontless secret-monger, may commit his frauds with impunity*?

The circumstances under which this penalty should be enforced, must certainly be left to the discretion of those, to whom the government of the College is entrusted. To inflict it indiscriminately would answer no end, nor could they be so foolish as to attempt it. Quacks there always will be, for there are always people who will be quacked: but it is necessary to put them under some sort of restraint, lest too many murders should chance to be committed.

But the great object of affright and dismay seems to be the power of making bye-laws, which has always been vested in the Court of Assistants,

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* I very much regret not having room to insert the very pointed and sensible remarks of LE PALIGENE on this subject—The learned reader will find them in his Poem, intitled *Zodiacus Vitæ*, page 93, of the Rotterdam edition of 1698—under the sign Leo. He may also turn to page 225, under the sign Capricorn, where the Poet seems to have met with a better class of men.

and was to remain with them as the Council of the intended College. Not Briareus himself, with his fifty heads and hundred hands, ever instilled half so much terror into the besiegers of Olympus, as this wonder-working clause has unhappily produced in the minds of some panic-stricken gentlemen.*

However, most phantoms, it is said, will vanish when they are spoken to; and so it fares with this: For the slightest consideration will show, that the power of making bye-laws is not that frightful arbitrary power, which some gentlemen imagine; but is perhaps more limited and defined than any other species of discretionary trust, being bounded on every side by the specific objects of the society or institution. And no bye-laws relating to this Corporation or College, or whatever it is to be called, can be valid *without the sanction of the Lord Treasurer, the Lord Chancellor, and the two Lord Chief Justices for the time being, or three of them at the least*: Therefore no wanton, or illegal inconvenience, can ever be laid upon the members at large.

The power of the council, then, to make bye-laws, is a civil trust, having only these three objects

* "Vide Observations on the Surgeons Bill."

jects in view--The qualifications of practitioners--The support of the dignity and privileges of the profession, and the management of receipts and expences belonging to the institution. Beyond these, and what relates to these, they can have no power; and whatever is directed to these, must be, upon the whole, advantageous to the members at large; and cannot admit of any substantial grievance, which will not speedily correct itself.

The grand consideration therefore is this—Seeing the oversight of these objects (and they are very important ones) must be entrusted somewhere, to whom ought Government to commit it? Is it a matter of perfect indifference; or ought they to be careful that they vest it only in persons of *tried* ability, and secure it, if possible, to a succession of such?—But of this ability in the successors also somebody must judge; and the question returns—To whom should Government commit the choice of these successors?—For to whomsoever this choice is committed, in one sense every thing is committed.

Now it is contrary to all reason and experience to suppose, that in numerous bodies of men, all are equally qualified to preside; or, which is nearly the same thing, to judge who should preside. Ability to practise Surgery is one thing; Ability to superintend a College of Surgeons, is another:

The latter requires a degree, of professional experience, and knowledge of the world, which is not the lot of every man; and perhaps it will not be easy to find a better way of making this point secure, than by leaving the choice in question to those, who have been themselves elected in like manner, and for like purposes, and who are bound by an oath to discharge the duties, of their office, "*without favour or affection.*"

I apprehend twenty-one persons of this description must be fully competent to every necessary purpose. Not that there is any peculiar charm in this number; but it is the old one, and where business can be safely transacted by a few, it is improper to commit it to more; not only because it will be transacted with less confusion and disorder by a few, but because it is more likely a few who are properly qualified, may always be found, than a greater number. It can do us no harm if more are qualified than are wanted to act; but it will do us a great deal, if more be appointed to act, than are properly qualified.

One principal plea for increasing the number of officers, has been this—That it would have a greater tendency to promote emulation among the members. I very much doubt the validity of this assertion: For the more the number of officers is increased, the less is the rank and importance of each. It seems more calculated to
promote

promote emulation, that a few only should be appointed, but whose stations shall be permanent and worth having, than to multiply them beyond what is necessary for the transaction of business. I do not know how others may feel on the subject, but it certainly appears to me, that an honourable distinction, which shall be really a distinction, important and useful, reserved for mature years, to last for life, and to be conferred by men of high rank in the profession, in the name of their country, is most likely to excite the ambition of an ingenuous mind.

Let it also be considered how important it is for every professional body to ensure a certain degree of rank at its head. Every testimonial of ability, authorising to practise, must come from thence to every member. As therefore the persons are, who grant a testimonial, so is the value of the testimonial itself. Every member of a College is degraded, if the officers at its head have not that *established* personal, and professional claim to respect and confidence, which may be *increased*, but cannot be *created*, by their official capacity.

It is very true that this reciprocal influence of personal and official dignity, is one of those subjects, on which *the new light* has not yet condescended to shine. But it is well worth the consideration of all who intermeddle in the formation of corporate bodies: They cannot long be maintained without

it—This was a truth well known to our barbarous forefathers, and it may hereafter start up again as a new discovery.

Of the bye-laws hitherto in force, one has been the subject of very severe animadversion; namely, the eighth. By this it is ordained, “ That no person practising as an apothecary, or following any other trade or occupation besides the profession or business of a Surgeon, shall be capable of being chosen into the Court of Assistants; or if he should be one of the Court of Assistants, be eligible to the office of Master or Examiner.”

It must readily be seen this law refers only to the *offices*, and not to the *fellowship* of the College, or Corporation. For to *the latter*, Practitioners in Pharmacy are equally admitted, with those who devote themselves wholly to Surgery; and are equally protected in the enjoyment of whatever confidence the public may honour them with. The point therefore to be considered, is—Whether there are any good reasons for confining *The Government of a College of Surgeons*, in the metropolis of a great kingdom, to those who are *Surgeons only*, and do not intermeddle with inferior branches of practice?

I apprehend if a similar question were asked, in relation to any other profession whatever, there would only one answer be given.

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The circumstances must be very rare, that will make a departure from this rule admissible; and if they should occur, those who superintend the bye-laws will have full power to make the exception. But in proportion as those are admitted to the offices, who *do not* confine themselves to Surgery, those who *do* must be excluded; a practice, which would at once be impolitic and absurd; the prosperity and improvement of the art depending immediately on those, who cultivate it separately, and alone. For however necessary it may be, that some Surgeons in the military and naval departments, and in other situations, should act in a twofold capacity, this is a necessity arising from contingent circumstances, and not at all from the nature of the profession.

It is very true, that confounding all distinctions will sometimes wear the appearance of great liberality; but it is really no more than the appearance: For as Brutus once very seasonably observed to his friend Cicero, "*Nihil per se amplum est, nisi in quo judicii ratio exstat.*"*—Nothing can be truly great in itself, which is unsound in its principle.

To conclude—In petitioning Parliament for a new act, on the plan of the last, the Surgeons Company have solicited for a redintegration of no
other

* In Cicer, Epist. ad Brut. Lib. sing.—Ep. 16.

other powers, than those under which their science has already flourished; beyond all former example.

They have asked for higher rank than they have hitherto possessed; because it has been already bestowed on their brethren in Scotland and Ireland, whose merits, great as they may be, cannot be superior to their own.

They have asked for a further exemption from the statute of Mortmain; that they may be enabled, in time, to make a permanent provision for their expenditure; because the same exemption, to the same amount, has already been granted to the Colleges of Edinburgh and Dublin.

They have asked for an addition of three miles to their jurisdiction, for the public good and safety only; because the means of instruction are now so much easier of access, that it is doubly disgraceful practitioners should be suffered, who are destitute of proper information.

They have requested that meetings may in future be legally held in the presence of one President, or Vice-President, instead of two, in order that business may be transacted with more certainty and ease, and the late deficiency in their Constitution be prevented in future.

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This is the sum of their petition.——Should this be granted, (and surely it will not again be refused) the present state of their funds will permit them to exonerate their members from the further payment of quarterage; and they will be enabled to set on foot an establishment for Chirurgical Instruction, greatly needed, and loudly called for, by every principle of policy, and national justice.

F I N I S.

